

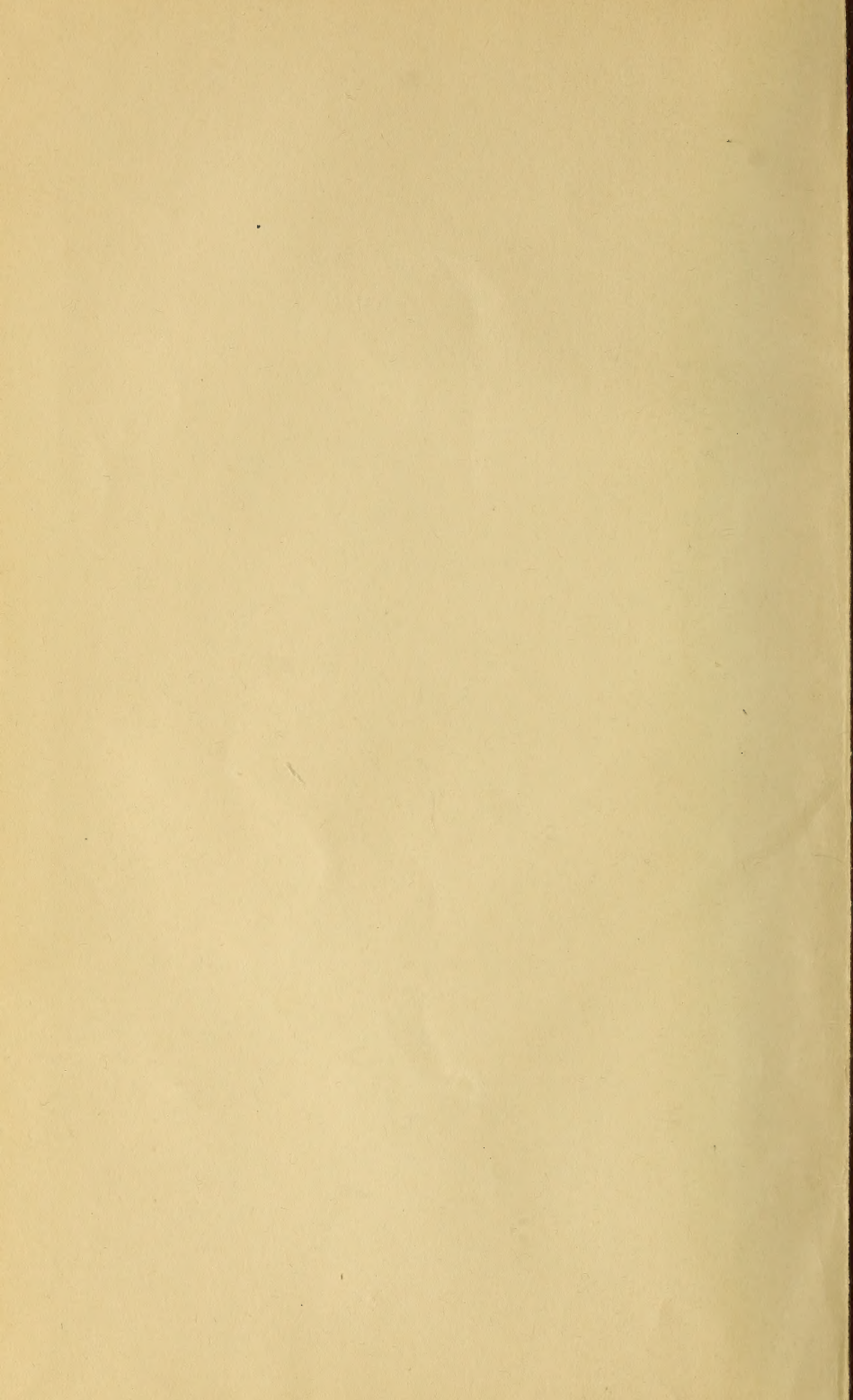




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THE  
HOWARD PAPERS.



THE  
**HOWARD PAPERS:**

WITH A

**Biographical Pedigree and Criticism;**

BY

**H. KENT STAPLE CAUSTON.**

Let us sit and mock the good housewife  
Fortune from her wheel, that her gifts henceforth  
may be bestowed equally.

I would we could do so; for her benefits  
are mightily misplaced.

They are most of them means and basses;  
But one Puritan amongst them,  
And he sings psalms to hornpipes.

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**NAG'S HEAD COURT, GRACECHURCH STREET.**

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## INTRODUCTION.

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MANY years ago, when George the Third was king, and Charles Howard, last of the Greystoke line, with a free and easy grace wore the coronet of premier duke, an elderly man, tall, well built, erect of stature, whose threadbare garments denoted penury, might occasionally have been seen crossing the Mall from Buckingham gate, on the way from his humble lodging at Chelsea to St. James's square. In feature he was a Howard;—bearing marked resemblance to the ennobled race who did good service to their country in the time of queen Elizabeth. A circumstance so feeble of argument, however, is not likely to have had weight in the conclusion; yet it is curious to observe a writer,—somewhat later than the period in question,—giving publicity to the statement of some affected authority, not favorable to the poor man's pretensions,—that “the only branch from which it is said to be possible for him to have descended, is the *Effingham* branch.”\*

In feature he was a Howard; and the pride of blood, unsubdued by years of deprivation and want, yet sustained a modest bearing that indicated the confidence of a position that adverse circumstances could not entirely obliterate. Poverty had been ineffective to debase the

\* Gent. Mag. 1816, v. lxxxvi., pt. i. p. 66.

natural aspirations of the blood of Howard to the habits or manners of vulgar life. In his decent penury he might still be recognized as a gentleman.

Whether on business or pleasure,—*pleasure?* Yes, in country walks,—on the Surrey hills, perambulating the green lanes and bye ways, pondering over the beauties of nature, and rapt in holy thoughts such scenes inspire,—he enjoyed life with as keen a zest as one more amply endowed with worldly means. If consanguinity might be identified by analogy of taste, assuredly he had been a scion of the Greystoke branch,—near of kin to the eccentric philosopher of Depden, who, in the benevolence of sympathy is represented to have addressed the father of the poor wanderer in intimate terms of family regard.

Whether on business or on pleasure, he seldom travelled alone. He was usually accompanied by a woman, decently attired, of about his own years,—his wife, to whom he was affectionately attached, the object of all his solicitude and care. On the occasion mentioned, however, she had remained at home ; and he made his way alone,—his object being to call at Norfolk House for a letter from the duke, if any had been left for him ; or, if possible, to obtain an interview with his grace. As he turned the corner of John street into St. James's square, the family mansion stood full in view, and he might have observed on the doors the intimation of sickness in the house. The duke was ill in health,—and indisposed moreover, as it appeared, to receive his visitor. The portal, however, was opened to his application for admittance, and closed behind him. A police constable, who, it is said, had been retained constantly in attendance, removed him by the back entrance ; and after examination before the magistrate at the police Court, Marlborough street,—“*for about*

*the twentieth time,"* we are told by contemporary chroniclers of daily events,—he was committed to prison. "*It had been considered advisable to adjudge him to several periods of imprisonment;*" and on the present occasion he had not only assaulted the ducal knocker, but "he was very troublesome at the door."

When the term of incarceration had expired, and the prison gates thrown open, gave liberty to the duke's unwelcome guest,—the knockers of Norfolk House had been released from their leathern bandage, and the heraldic achievement above the portal gave symbol to the fashionable world, that Charles Howard of Greystoke had vacated the patrician robe. He had drained the goblet of pleasures to the dregs. In the chase of gay and festive life, the pursuer had become the pursued;—

Death, the mighty hunter, had driven him to earth.

And, in his fitful wanderings, as the poor released prisoner mused over the grave of the deceased noble, in Dorking church,—when he recalled to mind promises, on the word of a duke, a thousand times broken; and absolved him personally, of much of the injustice he had suffered,—of many of the injuries he had received; the thought became uppermost, that the last tie—even of discord—had been severed between himself and the ducal house; that there remained not one on whom he had a right of appeal for the award of justice to his claims, or commiseration for the sufferings he endured.

In childhood, in early youth, the mansion whence he had been conveyed in ignominy to a goal, had been free and familiar to him as his home. Of duke Edward, he was accustomed to speak with reverence, with affectionate regard; indeed the legacy of his early friend had become the only dependence of his age. Of the

first duke Charles, he also cherished the most respectful remembrance; and it was with reluctance he could believe that the long continued neglect, the vacillation, and the persecution he had received from the second Charles, had been the conduct of his own free will;—when the very pay of the police constable retained in the porter's hall at Norfolk House to take him into custody, might have sufficed to add comfort to his humble home.

A delusion imbibed from early years, and that no correct information had since dispelled, contributed to the regrets,—the despondency he could not resist, as reverently he paced the chancel of Dorking church. He had been impressed with the belief that the acknowledged successor in the dukedom had no natural right to the honors of the family: he could not credit as a fact that the son of Mr. Henry Howard, of whose misfortunes and dependent condition he had heard much, and from many persons, could be next heir of the ducal House; and he felt that he had no claim on one of whose right of inheritance he entertained a doubt,—whose patronage by the late duke, he had been accustomed to look upon as the result of mere caprice. It was not a new idea. Twenty years earlier he had enquired, how it happened that Bernard Howard had been brought forward, introduced into the House of Commons, and accepted as probable heir to the dukedom; while himself, “who had been brought up under the protection of duke Edward, by some unjustifiable means had been disinherited?”—“It is not to such as Bernard Howard,” he had indignantly written to the duke, “you can expect that I should ever make my application.” The same prejudices—the same sentiments—were still retained; and the expectations that had withstood years of disappointment under the dukedom

of the second Charles, died with him. Stout of heart, strong in faith, clinging tenaciously until the last tie had rotted, must that hope have been to have endured so many trials.

It was the misfortune of Mr. Howard never to have been understood;—little surprising, when he could not understand himself! He might have been the dreamer who overslept his generation, or the man without a shadow. Mystified in a genealogical haze, he had never been able to discover his own identity. He had outlived all who could unravel his mystery; and in the course of years had become so completely unknown, that a professor of the science of Genealogy, after some investigation, was content to ask the world—who he really was?\*

The menials in the service of the deceased peer, vulgarising the directions of their lord, with supercilious insolence had branded him with imposture; they had been accustomed to call him "*the sham duke*;" and "*the mad duke*," by way of varying the indignity. A ribald press, reflecting the gibes of the powdered plush, indulged in the same vein of kindred wit, and chastised poverty to flatter wealth. The more thoughtful exponents of public opinion, not sufficiently informed or not caring to become the advocate, at least abstained from insult; and one honorable exception, true to principle, thought that "the unfortunate man really appeared to have some well founded claims on the Howard family."

The author of the *Dormant and Extinct Baronage*,† who, at this time was preparing for the press a new edition

\* The Mysterious Heir; or Who is Mr. Walter Howard? By T. C. Banks, esq., 8vo., 1816.

† *Dormant and Extinct Baronage of England*, by T. C. Banks, esq., 3 vols. 4to., 1807.

of his Work, and in a separate publication had analysed the "genealogical History of the Howard family;"\* gave his attention to the pedigree of the unfortunate man, with the object, if possible, of discovering his real descent. Benevolent intentions, from a genealogical point of view, embracing the professional satisfaction of resolving a case of uncertainty, perhaps of importance, offered ample inducement for friendly services; and in concluding his labours;—"It remains only to add," says the author of the *Mysterious Heir*, "that the writer has been solely led by disinterested motives, such as he considers ought to incline every one '*who cares for another's woe*,' to endeavour to bring to light so mysterious an affair." The investigation, which seems to have terminated rather in speculative deduction than proven facts, formed the subject of the publication before named: the active interference of its author on behalf of the "*mysterious heir*" took the form of a petition to the king;† which, read at the present day, seems remarkable for nothing so much as the exceedingly bad taste in which it appears to have been dictated. The result has not been mentioned; but as the inquiry had failed to explain the *mystery*; and no case had been attempted on behalf of the petitioner, that under the circumstances could, with propriety, be entertained, the effect may perhaps, without difficulty, be imagined. The publication in which the petition is found, represents that it had been left at the Home Office, "to be presented to the Prince Regent, in the usual way of such like applications." The copy of a letter from the

\* An Analysis of the Genealogical History of the Howard Family, with its connections; shewing the legal course of descent of those numerous titles which are generally, but presumed erroneously attributed to be vested in the dukedom of Norfolk. 8vo., 1812.

† *Mysterious Heir*, p. vi.

petitioner to lord Sidmouth, dated from Wandsworth, 13th May, 1816,\* referring to a previous communication from Kingston, 13th March, mentions the petition to the king, "signed by myself, and left at your lordship's Office by Mr. Banks, of Lyon's Inn." No answer had then been received; and the petitioner took occasion to prefer his particular claims on the *late duke*, which had been long previously the subject of an appeal to the Prince Regent, personally presented to His Royal Highness, in the year 1812.

Rank and honors, that will interest the historian of the Peerage to investigate a right of possession, and may well gratify the desires of the wealthy-ambitious to obtain, are but stones for bread to the poor and hungered. The piteous letter of the petitioner to the lord Chancellor, a month or two later,† far from representing the aspirations of one dreaming an atmosphere of luxurious grandeur, or claiming the "honors of dukedom,"—imputed to him by a portion of the public press,—undisguisedly tells a tale of suffering, past and present; with a future untraceable in the cheerless waste of aged indigence. It was the last glimmer of expiring hope, which the reply of lord Eldon, finally extinguished.

The philanthropist, who, in former years had visited him in prison, and "offered with much willingness to act as a mediator,"‡ listened to his tale of helpless despondency, and renewed the offer of an appeal to the duke—the new duke—on his behalf. Though not declined, the proposition,—for reasons before given,—was rather reluctantly conceded than accepted with favor or expectation of success. Some facilities however, encouraged

\* MS. penes meipsum.

† Infra, p. 13, *facsimile*.

‡ Infra, p. 475.

the design; and it was the happiness of my father to have been the means of obtaining for the poor unknown Howard, some addition of income from the head of his noble House. From that day the world heard no more of the *mad duke*.

Fifteen years had passed, and the universal reaper had gathered the old man to the harvest, when his widow came to me in great tribulation. *Her* income had been stopped; —it had ceased by her husband's death. Assuredly *his* income had so ceased; for the annual proceeds of the *South Sea Annuities* (£1500 Stock), which he had received under the Will of Edward duke of Norfolk, had been only a life interest; and the additional allowance made to *him*, had doubtless been granted, during pleasure, with the same understanding. But in neither case was the condition absolute. The bequest of duke Edward was freely at the disposal of the trustee; and to whom, of charity, could the allowance be more fitly made, than to the aged widow of the original grantee? It was a case that required no advocacy beyond a generous appeal: but the joy of the poor woman knew no bounds. What could she do to express her gratitude? I replied that the pleasure of seeing her placed above want, was a sufficient reward: but she was inexorable. Her husband had a favorite bird, which it would give her pleasure if I would accept? And she would bring me her husband's papers. I could only consent. The poor bird did not reach its proposed destination. The package of papers I placed with others, in an old chest,—*some day* to be examined. It was many years before that day arrived. Leisure, and a casual resort to the oaken depository, at length brought to hand the long forgotten gift. The parcel contained a manuscript book, in the hand writing of Mr. Howard, in which he

had kept copies of his letters, dating from 1797 to the year 1816; a vast collection of loose papers; scraps of pedigrees, and genealogical information derived from a variety of sources, relating to the family of Howard; transcribed by himself, or furnished to him by other persons, with the object of elucidating his descent.

It was impossible to read his numerous letters to Charles duke of Norfolk, without being convinced of the ungenerous, the undignified treatment he had received,—the injustice, the great moral wrong he had sustained; and they excited a higher degree of interest from a circumstance that had occurred.

In the interval of years, a distinguished antiquary, making diligent and systematic researches into the descent and title of lands, for a History of a northern County, had incidentally discovered materials of proof, that solved the mystery, which at a former period had baffled the investigation of Genealogists, official, professional and amateur;—unknowingly, he had furnished the reply to the long perplexed question,—“*Who is Mr. Walter Howard?*”

The Manuscripts of the *mysterious heir* have formed the basis of the present volume.

Nov. 5, 1862.

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I hope your friendship will take my case into  
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fied for the future conduct of my life. & that I may cease to  
trouble your friendship or the court any more.

I have the honor to subscribe myself

Very respectfully,  
Your friend

Wm. H. Howard

July 15. 1816.

# THE HOWARD PAPERS.



## CHAPTER I.

---

This false goddess with her eyen blinde,  
Set one afore, another goeth behinde;  
And doth one renne, and maketh another halte;  
And one she can high in riches exalte,  
And another plunge in pouertye.

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IN the south-western suburb of London, at that time a rural district, divided from the Court-end by the waters of the majestic Thames, in the year one thousand seven hundred seventy and seven, there lived and died a gentleman,—’tis said, a needy gentleman,—known as Mr. William Howard. If his circumstances were not affluent, they had been sufficient for his wants; but whether or not his means had been derived from a source that might be called his own,—they came to him through the agency of the duke of Norfolk or his steward. Many—nearly forty years after his decease the statement was volunteered\* that

\* “This man (Walter Howard,) and his father before him, have been humble dependants on the family; and the duke never ceased to employ every inquiry to ascertain their descent from the family, but in vain.” *Biographical sketch of Charles duke of Norfolk, by an Anonymous Correspondent.*—*Gent. Mag.*, 1816, Pt. I., p. 66. A statement so favorable to the ducal charities, however, was not permitted to pass current, and in the following number of the same work, a writer under the initials *E. M. S.* (who may be unveiled as the Rev. James Dallaway, *Earl Marshal’s Secretary*,) ventured on the assertion that the unfortunate gentleman in question, “so far from being fostered by, was not even personally known to the last duke.”—*Gent. Mag.*, 1816, Pt. I., p. 104. The “last duke” referred to, occupied the title from the year 1786 until 1815; and it was to him that the letters of Mr. Walter Howard in this volume were addressed.

It is not to such as Barnard Howard nor any others, you can expect that I should ever make my application to. Consider it is your obligation & duty, as you personate the Head of the Norfolk family, to adopt such means that I should be sufficiently provided for, according to my birth right, as you yourself has you might think fit, & that I should be enabled to provide for my wife in case of my decease, which is not in my power to do.

If you are so determined that you'll comply to no terms, it will be well for you if you can account before God for your conduct, with the same fortitude you have govern'd yourself by towards me, while I must submit to the misery & persecutions I have suffer'd all my life.

The Servants will not deliver my Name in, nor any message from me, therefore I find it necessary to send this by the Post, trusting the Event of it, whether the receipt of it is acknowledged or not by you from.

10. Feb. 1815.

Walter Howard.

Put in the Post Office Packet for St.:

I hope your Lordship will take my case into consideration that I may know how my appearance will be estimated for the future conduct of my life, & that I may cease from troubling your Lordship or the Court any more.

I have the Honor to subscribe myself

Pleasantly Lordship

With all due Respect

July 15. 1816.

Walter Howard



he had been an humble dependant on the bounty of that noble house; a circumstance which, if true, could only have had reference to that noble person Edward Howard, who for five-and-forty years had occupied the distinguished position of premier duke.

As Mr. William Howard bore the same family name, it might have been that he was a poor relation of that multipotent house,—the humble representative of an ancestor, who, having engaged heart and hand in the royal cause during the great rebellion, when so many loyal cavaliers suffered for their “malignity,” and so few malignants found a recompense for their loyalty on the re-establishment of the sovereign power, had left his family to struggle with an impoverished estate and the natural results of an adverse and downcast fate. Some such position, indeed, at a later date, when his descent became a question of interest, seems to have been assumed for Mr. William Howard;\* but in his lifetime, whatever his genealogical position, it was neither advanced nor denied: he appears to have been accepted in some degree as a member of the noble family whose name he bore, and his means of life were supplied by a regular income in some way accruing by the agency before mentioned. If, as represented, he had been a pensioner, living on scanty means, the voluntary bounty of the duke, it might have been expected that noble person would not have permitted his generosity abruptly to cease with his own life; the continuance of the annuity would doubtless have been provided for in his will, charged on some property or fund, for its endurance during the life of the grantee, as in several other cases he had so done;† but no

\* Heralds’ Office Pedigree (*Appendix*): and letter of E. M. S., before cited,—*Gent. Mag.* 1816, Pt. I., p. 104.

† Duke Edward, in his will, made provision to continue annuities to several persons who had been accustomed to receive his annual bounty; among them “Mrs. Blount, of Antwerp,” (Anne, younger sister of his deceased duchess) lady abbess, it is said, of a religious sisterhood in that

such provision was made for him, although his son was not entirely overlooked; whence it may be reasonably concluded, that the income of Mr. William Howard, derived through the medium of the duke, was most probably received from him as trustee under some settlement, not to be characterized a voluntary or charitable donation depending on his pleasure or requiring a bequest for its continuance; and this conclusion will appear yet more credible when a subsequent possessor of the title shall be found to have stated, that he did hold a small estate in trust for this family.\*

Tradition also relates, that Mr. Charles Howard of Grey-stoke, had familiarly called Mr. William Howard by the title of "brother;"† which, if true, would apparently have relieved his descent from the ambiguity that surrounded it: that the duke's steward had been merely the receiver of monies to his use;‡ and that in his latter days he had become aware of his birthright entitling him to a more elevated position in the world than he had occupied;§ but the materials are scanty on which to found any correct data for argument. Whatever letters or papers he had possessed, or memoranda of facts or circumstances he might have accumulated at the period of his death, none passed into the hands of his son, or otherwise became available

city,—to whom the duke left twenty pounds per annum. These annuities were charged on the Glossop estate, co. Derby, and the Rothwell and Roundhay estate, co. York. The legacy to Mr. William Howard's son Walter, was in South Sea Stock.

\* Appeal of Mr. Walter Howard to the Lord Chancellor, 30th July, 1805; Appeal to the House of Peers, 30th May, 1806; Letter to the duke of Norfolk, 5th November, 1809; Mrs. Howard to the Duke, 15th June, 1810.—*Appendix*.

† The Mysterious Heir; or who is Mr. Walter Howard? By T. C. Banks, esq., 8vo., 1816.

‡ Letter of Mr. Walter Howard to the duke of Norfolk, 5th November, 1809; Appeal to the House of Peers, 28th January, 1811; Address to H. R. H. the Prince Regent, 12th February, 1811.—*Appendix*.

§ Letter of Mr. Walter Howard to the duke, dated 2nd June, 1804.—*Ibid*.

for the furtherance of any subsequent investigation tending to the discovery of his descent: a cloud of mystery seemed to hang over his life, and the umbrage of the grave to ceil in final obscurity the story of his parentage. That he was born we may safely conclude: that he was married and that he died are facts which have been satisfactorily ascertained; but he might have been the *iron mask* so far as any place could be discovered for him in the pedigree of "all the Howards;" and the researches of the Heralds, with the Earl Marshal at their head, seem only to have tended to mystify the inquiry. Whether a result so unfortunate had really emanated in good faith, or the professed sincerity of research\* had been merely the pretext of a deceitful purpose, is a question, perhaps, that may be now, if ever, dispassionately reviewed, when all the parties—the oppressor and the oppressed—are gone to their account; but "throughout the whole of the extended genealogy of the noble house of Howard," observes a writer advocating the cause of the son, "no trace appears of the family of Mr. Walter Howard,—a circumstance the more peculiarly worth notice, inasmuch as it is not a little extraordinary that Edward duke of Norfolk should have taken such notice of, and even made a provision for one, who was *no where named or purported to be of his race!*"†

If Charles Howard of Greystoke, had been the "brother" of the mysterious deceased, they must have claimed the same father or mother for a parent; but Mr. Charles Howard of Greystoke, claimed a father from whom he took an estate and a designation; while tradition tells that Mr. William Howard had very little distinct remembrance of his parents; and the circumstances collected in after years by his son appear to have been such as a mind roused by neglect to a sense of the inquisitive, and restless under a

\* Ante page 13, n.

† The Mysterious Heir; or who is Mr. Walter Howard? By T. C. Banks, esq. 8vo. 1816.

conviction of ill treatment, had from time to time gathered from some old connections or retainers of the family with whom he had intercourse or occasionally came in contact :

Nurses' tales and beldames' histories ;

for it does not appear that he possessed any documentary proofs or family evidences to clear up the mystery of his father's descent. If dependence may be placed on a kind of apologetical admission of the Rev. James Dallaway, the Earl Marshal's Secretary—(a position that gave to him, at any rate, the *rank* of an authority, however deficient may have been his knowledge)—who many years afterwards recorded his statement in print, Mr. William Howard's father "was certainly considered a country gentleman, but that himself was in very reduced circumstances."\* This was indeed a near alliance to gentility, while it recognised a respectable and legitimate descent. Mr. William Howard's own account to his son was, that he had been left an orphan at a tender age, and his earliest recollection found him under the protection of two noblemen, by whom he had been sent for his education to a school at Appleby, in Westmoreland. How his after years were passed, whether he had been brought up to any profession, occupied any public station, or in what manner he had passed the years of his life, we have no account. Mr. Walter Howard, in a letter to lord Chancellor Eldon,† incidentally observes, that "his father, William Howard, was well known to the late duke,‡ to Mr. William Seymour, the steward of his Grace, and to many others, as well as at the Heralds' Office." As it has not been ascertained that he held any appointment in the nomination of the Earl Marshal, Mr. William Howard probably was only known to the officers of that establishment as a member of the family of their

\* Gent. Mag., 1816, Pt. I., p. 104.

† Letter dated 18th December, 1809.—*Appendix*.

‡ Charles Howard of Greystoke, duke of Norfolk, 1777–1786.

chief by the connection and intercourse that undoubtedly subsisted. At the age of thirty he appears to have been married at Jersey, in the year 1755, to Miss Catharine Titcombe: the entry in the parish register-book stiles him "William Howard, esq.," and states that he was married by license;\* circumstances that bear testimony to the respectability of his position at that time. Walter Howard, the only surviving child of that marriage, is stated to have been born in the year 1759.†

In 1777, as before stated, Mr. William Howard closed the mysterious career of his existence: the register of burials of the parish of Lambeth supplies the ordinary evi-

\* "Extract of the Parochial Register of Marriages of the Parish of St. Martin, in the Island of Jersey:—

"William Howard, esq. and Miss Catharine Titcombe, both of the parish of St. Helier, being dispensed with the publication of their Banns of Marriage, were married together on the eighth day of June, one thousand seven hundred and fifty-five, by me,

"FR. LE COUTEUR, Rectr.

"Given for true Copy, St. Martin's }  
Parsonage, this 7th day of October, 1810. }

"CH. LE TOUZEL, Rector.

"W. Chs. Gallichan, }

"Ph. Godfrey, }

} Surveillars or Church Wardens."

The above Certificate, found among the papers of Mr. Walter Howard, was enclosed in the following letter, which, as it does honor to the writer, is here appended:—

"St. Martin's Parsonage, Jersey,

"October the 8th, 1810.

"Sir,

"I have received the letter you did me the honor to write to me, dated the 1st instant, and I have lost no time in searching my Church Books for the marriage of William Howard, esq. and Catharine Titcombe, which, having had the good luck to find *in suo loco*, I take the liberty to transmit to you enclosed, and without delay, signed by myself and my Church-wardens. The expenses, Sir, are nothing at all, as I think myself sufficiently rewarded by the pleasure of having obliged a person of your consideration.

"Allow me to subscribe myself,

"Sir,

"Walter Howard, esq.

"Your obedient humble Servant,

"&c. &c. &c.

"CHARLES LE TOUZEL."

† May 19, 1759.—*Heralds' Office Pedigree.*

dence of the fact;\* and we learn from a letter of Mr. Walter Howard to the Lord Chancellor Eldon,† that “the funeral was attended by the late possessor of the Norfolk title, who was then called Mr. Howard of Greystoke,‡ as chief mourner, and by Mr. Seymour, the duke’s steward.”

Mr. Walter Howard, who was not himself in England at the time, gave this statement on the information of “Mr. Seymour and others.”§ If the statement be correct, and it appears to have been made, on his part, in all the sincerity of truth, without reference to any argument that may be now raised from a circumstance so remarkable, there can scarcely remain a doubt of some known and recognised affinity in blood between the mourner and the mourned;

\* The date of burial appears to have been the 28th October; and it may be inferred from the brief record that Mr. Howard had resided in that precinct of the parish denominated “The Marsh;” a district then but thinly dotted with detached country residences, and scattered roadside houses of lesser note, with gardens in the rear.

In this parish, not far from the episcopal estate, the Howards had formerly a mansion; and in the Howard Chapel, built by Thomas duke of Norfolk, in 1522, within the old parish church, many distinguished members of the family had sepulture. The house and grounds, ornamented with a stately avenue of trees, known as the Earl of Arundel’s walk, passed from the family by sale early in the reign of Elizabeth, and a distillery now occupies the site: but Thomas earl of Arundel still retained a “Summer Garden” in the parish, where he set up some of his “mutilated” antiquities; and seems to have entertained a lingering regard for the neglected oratory where his ancestors had worshipped and lay entombed. In his will, dated at Dover, in 1641, “I desire also,” he says, “the Howard Chappell at Lambeth may have some little cost bestowed upon it, and kept still for our family, both to heare sermones there, when they shall think good, and deposite the dead bodyes of such of our family as shall be carryed to Alebury and so to Arundel.”—*Harl. MS.* 6272.

Family dissensions unhappily interposed between the Earl’s will and its performance: and the interesting little chapel of the Howards, with its family memorials, became a wreck of time.

† Letter dated December 18, 1809.—*Appendix.*

‡ Mr. Charles Howard, who succeeded to the title on the decease of Edward duke of Norfolk the same year. He died in 1786.

§ Letter to the Lord Chancellor Eldon, 18th Dec., 1809.—*Appendix.*

else why should the heir presumptive of the ducal Howards (according to the official arrangement of the family pedigree), follow to the grave the mortal remains of this reduced gentleman of his family name? Moreover, at this very juncture of time, Mr. Charles Howard of Greystoke had the ducal coronet suspended over his head by so slight a thread, that it was ready any day to drop on to his expectant brow, even if the chrysalis of his commonalty might not be said already to have burst and expanded into the strawberry leaves of his ducal honor; for Edward duke of Norfolk had deceased on the 20th of the preceding month of September, and the first days of October had witnessed the deposit of his earthly remains in the ancient sepulchre of the Albinis in Arundel church. But Mr. Charles Howard was not heir by immediate representation: as heir presumptive he claimed relationship by a very collateral course of descent; he had not, under the circumstances of his succession, even by courtesy, immediate pretence to any title of honor pertaining to the ducal house; but remained a commoner still—Mr. Charles Howard of Greystoke—until such time as his right of inheritance to the family honors had received the sanction of competent authority having jurisdiction of baronial titles of honor. So far from his succession being immediate, or matter of course, by a standing order of the House of Peers made several years before,\* to restrain the undue assumption of Parliamentary honors, it was required† that Mr. Charles Howard should in the first instance file his pedigree, with the proofs of his

\* May 11, 1767.

† In the peerage of Scotland, certain resolutions of the Lords to the same end appear likewise to have become inoperative; for at a meeting held at Holyrood House on the 13th July, 1826, for the election of sixteen representative peers of Scotland, the earl of Roseberry, in reference to proceedings at a previous meeting, observed, that if a right construction had been put on those Resolutions, the intention of them was not answered, since collateral descendants on assuming a title, could come forward and vote without their claims having been brought before the proper authorities; and he proposed

descent, in order to the establishment of his presumptive right. In the case of a protestant heir, it would have been imperative: a member of the established church could not have taken his seat in parliament until the requirements of the standing order had been satisfactorily complied with; and it had been so reported by its proper officers to the House. If a Roman catholic, excluded from the exercise of parliamentary duties by penal enactment had been exempt from, or was enabled to avoid such preliminary inquiry into his pretensions, his succession became a mere assumption of title evasive of the regulations of the House,—the more objectionable when it is remembered that the Estates of the realm having dispensed with the legislative advice and assistance of the Roman catholic peers, the Council of the State had been, on occasion, scrupulously careful nevertheless, to recognise their parliamentary privileges.\* In the

an amendment, whereby "Persons assuming to be collateral descendants of Peers shall not be entitled to vote until their claims shall have been decided on in the proper quarter."

Referring to the same matter, about the 16th May, 1827, the Earl of Roseberry presented a petition to the House of Lords, praying their Lordships to call upon Humphrey Alexander to shew by what right he assumed the title of earl of Stirling, and to prevent him from voting at the election of the Peers of Scotland till he had proved his pedigree before the proper Court.

Five years later, namely, on the 19th March, 1832, the Earl of Roseberry, in the House of Peers, renewed his complaint of the evils arising from the loose practice before described; and then obtained the appointment of a select committee to take the subject into consideration, with the view of preventing "the facility with which persons can assume a title without authority, and thus lessen the character and respectability of the peerage in the eyes of the public."—*Mirror of Parliament*, p. 1280.

\* Anomalous as the position may appear, a remarkable illustration occurs in the case of Thomas duke of Norfolk, arrested on suspicion of high treason, by warrant of the Lords of the Privy Council, in the year 1722.

An act for the suspension of the *Habeas Corpus Act* had recently been passed, and a clause introduced providing that no member of either House should be imprisoned during the sitting of parliament, without the consent of the House to which the member belonged.

The evident intention had been, that the votes of either House should not

present case it has been suggested that the official dignity of earl marshal, hereditary in the ducal Howards, had afforded facility for the omission of the required forms and proofs, by merging the claimant of a titular honor and his official opponent in one and the same person,\* the standing

be acted on or controlled by the government exercising an arbitrary power of locking up its sitting members. The duke of Norfolk, a Roman catholic peer, was not in the position contemplated by the act; nevertheless the privilege of a peer of parliament was recognised in his person: the minister of the Crown came down to the House of Lords, announced the suspicions of the government, the arrest of the duke, and asked the consent of the House to his detention. The motion was debated, and on the vote that followed, the duke was committed to the tower.

The debate was stormy, but no allegation was made of any privileges of a sitting member of the House apart from those of a peer of the realm excluded from the exercise of his legislative functions.

Charles the First, when he arbitrarily sent Thomas earl of Arundel to the Tower "for a misdemeanor personal to his majesty," attempted to draw a distinction between the royal prerogative and the privileges of the peers, assuring the House that the matter of the earl's restraint "had no relation to matters of parliament," and therefore without their jurisdiction:—the fact being, that the countess of Arundel and the old duchess of Lenox had presumed to concert a marriage with a *Stuart* without the consent of the royal chief of that noble clan first obtained. The king was obstinate, and the affair continued in agitation almost three months; the House, on searching for precedents, finding there was but one case of a peer being committed, the parliament sitting, without trial or judgment of the Lords in parliament.

\* The Earl Marshal having jurisdiction in the Court of Chivalry, and the appointment of its officers, has officially the College of Arms under his control. "He holds his Court in the Common Hall of the College of Herald's, London, where its members sit as his counsel and assistants, in their rich coats of his majesty's arms, being all the king's servants in ordinary; and when any dispute arises concerning descents, pedigrees, escutcheons, &c. &c. he is the judge to determine them."—*Noble*.

In 1687, His majesty having required Henry duke of Norfolk, Earl Marshal, to hold a Court of Honor, his Grace appointed the 5th October, to keep it in the Painted Chamber, Westminster; and on that day, holding his Court according to the law of Arms, attended by several doctors of the Civil Law, the kings and officers of Arms, he heard, and at a subsequent Court, January 11th, 1687-8, "dismissed the trunkmaker's petition to the earldom of Northumberland."—*Luttrell's Diary*.

During the "legal incapacity" of the several dukes of the Romish faith

order of the House of Peers not being moved to action in a case where no sitting in parliament was demanded or could take place. If this were so, the suggestion involves a serious imputation of dereliction of public duty, to say no worse, on the part of the noble person having the functions in authority; for an apologist of Charles duke of Norfolk (last of the Greystoke line), in the same office, has represented the Earl Marshal to be invested with great responsibility, no less than the guardianship of the rights of the peerage. "When the duke," observes his official secretary, "is represented as having been jealous of the pretensions of other noblemen, the accusation is ill-grounded. True, indeed it is, that he felt the *high responsibility of his office of Earl Marshal* of England; and as often as claims to dormant and extinct peerages were found, upon the maturest investigation, to rest only upon conjecture instead of proof, and to be foisted up by spurious reasoning instead of being supported by fact, he resolutely and effectually opposed them. The decisive part he took in some recent cases of claims to the peerage, originated solely in his integrity of feeling as the *guardian of the rights of the peerage*."\* The allegation, in the case of his father's succession had been, that taking an important hereditary dignity as an alleged collateral heir, he stood precisely in the position of one claiming a dormant title; that no investigation whatever had taken place as to the integrity of his pretensions; and where then was the jealous authority of the Earl Marshal, as "guardian of the rights of the peerage," to check any unauthorized intrusion, or evasion of the Standing Orders of the House of Peers? Thus, "upon the death of Edward

to hold offices under the Crown, a protestant member of the Howard family or its connections had usually been appointed deputy Earl Marshal by the king's license. In 1777, Thomas Howard, earl of Effingham, appears to have held the appointment. In 1782, Charles Howard, earl of Surrey by courtesy, having conformed to the protestant faith, was appointed deputy to his father, Charles duke of Norfolk.

\* Dallaway. Letter of E. M. S.—*Gent. Mag.* 1816, Pt. I., p. 104.

duke of Norfolk in 1777, without issue," observes Mr. Walter Howard, "the elder branch of the family failed in the male line, and the succession to the dukedom and other honors devolved upon the next and nearest heir male in a collateral degree; upon which occasion Charles Howard of Greystoke, who stood in the relationship of second cousin to the deceased duke (through a remote branch of the family,) assumed the hereditary dignities, but did not, as your Petitioner has been informed, undergo any investigation of the law officers of the Crown, as to the right under which he assumed them."\*

Taking this allegation to have been a well ascertained fact, we may here leave it on its merits. Rightfully or otherwise Mr. Charles Howard dropped insensibly into the Norfolk honors, which he adorned with all the modest virtues that had accompanied his earlier if not his more retired career; for in his ennobled as in his private station he found few occasions of publicly demonstrating the patriotism of his sentiments or the morality of his life.

"To be nobly born and of an ancient family," says Dryden, "is the extreme of fortune, either good or bad; for virtue and descent are no inheritance. . . . He who has nothing may play securely, but he who is born to a pleasant estate, and is ambitious of offices at Court, sets a stake at fortune. You, my lord," he adds, addressing a noble patron, "enjoy your quiet in a garden where you have not only the leisure of thinking, but the pleasure to think of nothing which can discompose the serenity of your mind."† Dryden had contemplated "a private greatness that will not be polluted by ambition." But woe to our happy land when the gentlemen of England shall abandon the honorable ambition of serving their country, either in court or camp, for the maudlin sentiment of a listless ease.

Mr. Charles Howard had sighed for active life; but de-

\* Petition to the King, 1816.—*Appendix*.

† Dedication of the Georgics to the Earl of Chesterfield.

barred by the religious faith he professed from "honors and emoluments acceptable to persons of his rank," and given to contemplation and study, perhaps by natural impulse, he had sought solitude under circumstances of a resigned contentment, and found a "solace in literature" as a relief from positive inaction. That religious tenets should have stood in the way of the public employment of such a man, was perhaps as great a loss to the nation as it proved a deprivation to himself; for it was among his written opinions "that religion should never be blended with politics further than it enjoins a due submission to government, and an attention to the peace and prosperity of society."\* Fear God; honour the king; respect the laws:—

Ayme l'estat tel que tu le vois estre,  
S'il est royal, ayme la royauté,  
S'il est de peu, ou bien communauté,  
Ayme l'ausi: car Dieu t'y a fait naistre.†

"Being of this or that religion or party," he writes to his son, "merely because your ancestors were of it, is no solid reason; if it were, it would justify all the errors in the world: it may be, as it is, the accidental cause why you are so; and it justifies any person in remaining in it, till such time as he can be convinced of the falsehood, or knows a better way; but in his change he ought to use the utmost caution, lest he be actuated by interest, passion, or any undue influence whatsoever, which always must warp the mind from cool conviction and truth:—

"Take but one side and on that side be strong,  
Till time convinces clearly you was wrong,  
Then own it with a manly kind of pride,  
And quit the losing for the winning side."‡

Cherishing opinions so agreeable with liberty of conscience, but hardly consistent with the restraint of the

\* Thoughts, Essays and Maxims, chiefly religious and political, addressed to his son, by Charles Howard of Greystoke, esq.—1768.

† Montaigne.

‡ Thoughts, Maxims, &c. ut supra.

faith he had been taught to revere, Mr. Charles Howard felt keenly the curb,—perhaps the necessary general restraint,—that repressed his own individual noble action in the public weal. Hence it was that he set forth the causes of his common debasement in “*Considerations on the Penal Laws against Roman Catholics* ;\* and then aggravated his own particular wrongs by a modest exposition of the “*Maxims religious and political*” † that ruled the even tenor of his life. From this curious *multum in parvo*, which takes a discursive view of the metaphysics of morality, public and private, we may here ensample from the latter his “Thoughts on Justice.”

“Justice,” observes Mr. Charles Howard, “is one of the attributes of the Almighty, and required by our Creator from man: the command of all laws divine and human: and as the first ought to be and are the foundation of the second, so is justice the security of society and the barrier of property. Restitution of ill-gotten money or effects, is a very essential part of justice and a very necessary prelude to repentance, which is otherwise a mockery:

“Fiat justitia et ruat cælum.” ‡

Stern philosophy! worthy of the highest praise; precept immaculate, that yet, alas! awaits the millennium; for it

\* *Considerations of the Penal Laws against the Roman Catholics in England and the newly acquired Colonies in America, in a Letter to a noble Lord.* By Charles Howard of Greystoke, esq.—1764.

† *Thoughts, Maxims, &c. ut supra.*

‡ *Ibid.* “L’amour de la justice,” says Rochefoucault, “n’est en la plupart des hommes, que la crainte de souffrir l’injustice;” and these reflections, with the awful equity of the climax, may perhaps have had particular reference to personal wrongs Mr. Charles Howard claimed for his own. In the introduction to the work whence they are quoted, the author acquaints his reader that they had been chiefly composed by way of pastime “while attending his business in Paris.” This appears to have been the prosecution of a claim to participation in the personal estate of an intestate Frenchman, under the 13th Article of the Treaty of Utrecht, by which subjects of Great Britain were allowed to succeed to the personal property of relations dying in France. The claim was founded on the following statement of pedigree:—

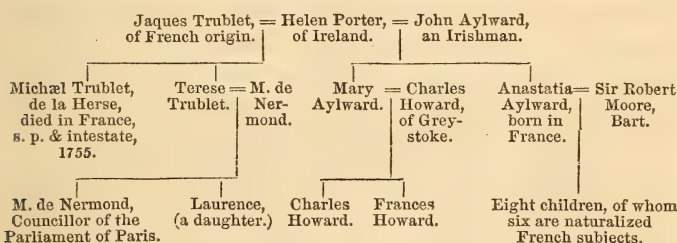
is a maxim confessed by the most moral of writers that "truth is not always convenient in business, nor the rigid exercise of virtue propitious to worldly success." Hence we may be prepared amid the most daring apostrophes or denunciations to the auspicious or inauspicious gods, to recognise a case of virtuous suffering under difficulties,—the corroding canker of a noble soul:—

"Justum et tenacem propositi virum,  
Si totus illabatur orbis,  
Impavidum ferient ruinæ:—"

—adopting Churchill's paraphrase:—

"'Tis not the babbling of the busy world,  
Where praise or censure are at random hurl'd,  
Can shake the settled purport of my soul,  
Or the meanest of my thoughts control:  
Free and at large might their wild censures roam,  
*If all, alas! were well at home.*" \*

At home? Alas! alas! what could have been ill at home?  
It might have been supposed, there at least, all went well;



Mr. Charles Howard and Miss Frances Howard claimed their part of a succession to the personal estate of Michael Trublet, the intestate, "their uncle, who died in France." All the sisters of M. Trublet having died before him, his estate was claimed by his nephews and nieces, twelve in number, children of his sisters, who were classified under three heads, namely, natural French subjects; naturalized subjects of France; and those born in England and not naturalized. Of the latter were Mr. Charles Howard and Miss Frances Howard, who claimed under the Treaty before mentioned. — *Memorial of Charles Howard, of Greystoke, esq. and Miss Frances Howard, of the Family of Norfolk, in England.*—4to., 1763.

\* Thoughts, Essays and Maxims, &c. ut supra.

for so virtuous an essayist could hardly have committed or countenanced a wrong, aggressively or by omission; and for himself, at this particular time, 1768, by the recent decease of a more immediate successor, Mr. Charles Howard had become heir presumptive to the ducal honors of the family of Howard; and nine short years actually elevated him from the condition of a private gentleman of moderate estate to that of the most exalted rank of nobility, below the blood royal of the land. Here was a prospect that might have gratified the desires of the most ambitious! How sayest thou? was not this well! Rousseau would probably have replied:—

*Nous ne savons ce que c'est que bonheur ou malheur absolu.*

—it depended on the temperament of the man; and the contingency was not accompanied by those amenities of personal intercourse or professed regard that might have converted kindred into friendship, and softened the introduction to a higher sphere of rank. The duke was a Roman catholic, if not a papist, absolute, as all members of that church must be; for its doctrines admit no shade of dissent. Mr. Charles Howard had publicly admitted the possibility of being “convinced of the falsehood” of doctrines he nevertheless himself professed;—of “knowing a better way” to Heaven than the dogmatic passport of a priesthood or the guarantee of a papal bull. If such admissions were not heretical, they could hardly receive the countenance of the head of the Romish party, or inspire stable hopes of a successor; besides, a traditional hostility between the ducal and the Greystoke Howards had long resulted in a severance partaking of few sensations better or worse than perfect indifference; personal distaste, arising from a total dissimilitude of constitutional temperament and disposition of mind, exercising perhaps little influence where there were no active sentiments of regard or aversion to be overcome. Yet while natural events had placed within probability, possession of the ducal honors to

Mr. Charles Howard of Greystoke, and the venerable duke had been advised to a re-settlement of his inheritance in conformity with the legal necessity of his tenure, his endurance of his immediate heir was limited to that extent,—the son in place of the father was made party to the compact,\*—and in his will, ten years later, (confirming settlements on other members of his family, and securing his “moveables” of value to heirs in remainder) Mr. Charles Howard of Greystoke is but once named, and then as “the person who will succeed me to the dukedom of Norfolk.”† These, however, were incidents beneath the consideration of a great mind, howsoever much as facts they are calculated to represent the absence of “natural affection.” Of a man matured in lamentations, and to whom advancement had all his life been an object of ambition, it could hardly be said *hinc illæ lacrymæ*. Grief is proud, saith the poet; and a sorrow that must be borne and never told, had less reference possibly to his immediate temporal desires than it gave moral grandeur to a mind affecting, however imperfectly, the stoical philosophy.

Ill designed by nature for a high position, eccentric in his habits and manners, Mr. Charles Howard seems to have been best fitted for that modest position of reclusion

\* By Indentures of lease and release, dated 10th and 11th June, 1767, made between Edward duke of Norfolk, of the first part; Charles Howard the younger, of Greystoke, esq., son and heir apparent of Charles Howard the elder, of Greystoke aforesaid, esq., of the second part; and Henry Howard of Sheffield, esq., son and heir of Bernard Howard, late of Winchester, esq., deceased, one of the devisees in remainder named in the last will of Thomas, late duke of Norfolk, of the third part.—*MS. Hargrave*. Mr. Charles Howard of Greystoke, however, was himself also one of the devisees in remainder named in the last will of Thomas duke of Norfolk, who deceased *anno* 1732.

† To the person who will succeed me to the dukedom of Norfolk, namely, Charles Howard of Greystoke, esq., I leave my carriages, horses, wines and liquors, hay, straw, &c. in my mansion houses and the stables thereto, subject to the condition that he shall pay for all such as shall remain unpaid for at the time of my decease.—*Ex Reg. in Cur. Prærog. Cantuar.*

in which he found himself most at home ; where he could meditate on his individual wrongs, observe the movements of the great world, unobserved, from his own point of view, and mourn in passive strains the depravity of the human race. Providence has not designed all men to win a sceptre or to grace a throne : some tempers, wisely, have been formed for the more humble and obscure scenes of life,—as there are some plants which flourish best in the shade : yet the lowliest shrub and the loftiest tree have each their purposed use. Nature, distributing her favors broadcast, has not been unfaithful in her office, though man, reversing her design, shall choose to cultivate a weed ; or the caprice of fortune shall play the changeling and gambol with her works. 'Tis thus, while many a Christopher Sly, bombasted for the nonce, may exclaim,—

—— I am indeed a lord,  
And not a tinker :—

Sir Rowland's son, in humble guise, shall still plead in vain for the appanage of gentle birth. And men, misplaced by fortune, in every rank of humankind ; forgetful that—

We ought to blame the culture, not the soil,

appeal to high heaven against the perversity of fate, and crave alleviation of their unhappy lot.

While some affect the sun, and some the shade,  
Some court the world's applause ; some seek the hermitage.

“ Let us withdraw our eyes from the pomp of titles and the vain fluctuating pageantry of Courts, and view Charles Howard in his retirement at Dibden, near Dorking.”\* Adopting his own words, let *us* transfer the vision from his namesake and reputed ancestor to himself.

“ Solitude,” writes Zimmerman, “ by stripping worldly objects of the false splendour in which fancy arrays them, dispels the vain ambition of the mind. Accustomed to

\* Historical Anecdotes of several of the Howard Family, by Charles Howard of Greystoke, esq.—1769.

rural delights, and indifferent to other pleasures, a wise man no longer thinks high offices and worldly advancement worthy of his desires. It is only in rural life that a man can enjoy the treasures of the heart ;”\* and there the voluntary patriot exile sought and found “a refuge from the persecution of the world :”† there the expectant noble delighted most to take his ease. Of another shade of sober melancholy it might have been said :—

— of men

The happiest he ! who, far from public rage,  
Deep in the vale, with a choice few retir'd,  
Drinks the pure pleasures of the rural life.

But Mr. Charles Howard was not convivial in his platonism ; it is doubtful even if he would have gone the length of another christian philosopher, who, with the experience of life at Court, admitted, *que la solitude est certainement une belle chose ; mais il y a plaisir d'avoir quelqu'un qui sache repondre ; à qui on puisse dire de tems en tems, que la solitude est une belle chose.*‡ Mr. Charles Howard read men in books : eschewing the vanities of the outer world, and viewing society through the crannies of his own “long Hope,”§ he appears to have modified the obscure content-

\* Solitude ; or the effects of Occasional Retirement.

† Historical Anecdotes, ut supra.

‡ Balzac.

§ Near to this place (Dorking), writes Aubrey, the Hon. Charles Howard of Norfolk hath very ingeniously contrived a long Hope, (*i.e.* according to Virgil, *Ductus vallis*), the most pleasant and delightful solitude that I have seen in England. The true name of this Hope is Dibden,—*quasi* Deep-Dene. The house was not made for grandeur, but retirement—(a noble hermitage!)—yet elegant and suitable to the modesty and solitude of the proprietor, a christian philosopher, who in his own age lives up to that of the primitive times.

Describing the natural beauties and artificial arrangements of this happy valley ; its garden studded with cherry trees and evergreen shrubs ; its walks bordered with “twenty-one sorts of thyme ;” and its subterranean passage, that, when pierced through the hill, should afford a *vista* over the southern part of Surrey to the sea. “Here,” writes Aubrey, “in the sandy hill, the conies have made their holes ;” here also had man made “caves for beer !” Gladdened by its exhilarating influence, and the “very

ment of the poet, and the modest luxury of the Greek philosopher he mostly affected, to his own peculiar and practical taste.

"I live," writes Plutarch, "entirely on History; and while I contemplate the pictures it presents to my view, my mind enjoys a rich repast from the representation of great and virtuous characters. If the actions of men, which I must necessarily look into, produce some instances of vice, corruption, and dishonesty, I endeavour to remove the impression or to defeat its effect. My mind withdraws itself from the scene, and, free from every ignoble passion, I attach myself to those high examples of virtue so agreeable and satisfactory to contemplate, and which accord so completely with the genuine feelings of our nature."

"The life of a good man," writes Mr. Charles Howard, "I always contemplate with pleasure; and this I look upon as the most pleasing as well as instructive part of history, inasmuch as it proposes to every man in private life worthy examples which are within his power, for the most part, to imitate; a benefit which he seldom finds in the voluminous accounts of the rise and fall of empires. It may be very pretty to know the precise time to a day on which the battle of Pharsalia was fought, or any other memorable event happened; but does not the humane mind pay too dearly for this knowledge? When I look at some thousands of men slaughtering each other with unrelenting fury, for the wise purpose only of deciding whether they and many millions more shall be slaves to A. or B., an Alexander, a Cæsar, or a Charles of Sweden,—sometimes half roasted by the parching heat of the sun, and at other times almost

civil entertainment of Mr. Newman, the steward, (according to his master's order)," the excited ambulant wandered through this "Garden of Eden" with sensations that might have restrained from sin the first Adam; for the pleasure, he declares, "was so ravishing, that I can never expect any enjoyment beyond it but the kingdom of heaven!"—*Peramb. of Surrey*, 1719, v. iv., p. 164.

frozen to death, or perhaps wading up to the chin in water, that after ages may know that the greatest dangers, fatigue or trouble could not deter them from their fixed resolution of doing as much mischief to mankind as lay in their power . . . .” The glories and calamities of war were alike repugnant to every sentiment of his mind. For him—

—— let Jove incrust  
Swords, pikes and guns in everlasting rust,  
Peace is my dear delight !

Having no idea of seeking the bubble reputation in the cannon's mouth ; inheriting less of the Trojan than the Hippomolgi in constitutional complexion ; like the classic Jupiter from the field of carnage,—“ I withdraw my eyes,” he continues, “ from such hateful scenes, lamenting the depraved state of man, and retire, with comfort and tranquillity, to my villa at Dibden (which I am now endeavouring to restore to its primitive state of rural elegance), and view the more useful though perhaps less happy merchant or mechanic, who, while he is accumulating a comfortable subsistence for his growing issue, is strengthening the powers of the state and giving bread to many industrious families. Agreeable to the adage, which tells us that example is better than precept, it is from such views only that we are most likely to get the best aids, next to those in Holy Writ, which are necessary to direct and enable us to fill our places in society with comfort to ourselves and utility to others. Nothing can be more ridiculous than for a man to presume that the honor resulting from the good works of his ancestors devolve to him in right of blood only, without his taking the least pains to shew by his own good works that their blood is still inherent in him,—a cheap way indeed of acquiring honor ! so cheap that the world will, very justly, never admit of it.” \*

\* Historical Anecdotes of some of the Howard Family, by Charles Howard, of Greystoke, esq. London, 1769.

Thus did the recluse associate the morals of St. Chrysostom with the just reserve of the Roman poet:—

Nam genus et proavos et quæ non fecimus ipsi  
Vix ea nostra voco.

“It is from a man’s own merit or demerit only that he can expect to rise or fall in the opinion of the sensible part of the world.

“Honor or shame from no condition rise—  
Act well your part, ’tis there true honour lies.” \*

These noble sentiments, penned for the guidance of his son in the elevated sphere of action that fortune had then too plainly indicated to be doubtful, as the inheritance of each in succession, merit the highest consideration for their own intrinsic worth. Yet it cannot be disguised that an independent spirit takes its most lofty flight in greater safety and is capable of the most steady course the more it is ballasted by worldly wealth. It is not to be questioned that competence and contentment are great auxiliaries to virtue, as they are the basis of earthly happiness. Thus, in all his patriotic aspirations, it must still remain a doubt whether Mr. Charles Howard’s views of public employment had ever been dissociated from a dependence on the “sweets of office:” whether in fact he had ever mentally embodied that truly golden position, the occupancy of the public voice,—

Unplaced, unpensioned,—no man’s slave!—

for he does not disguise personal necessity as the main inducement for seeking the service of the State.

“As to politics,” he writes, addressing his son, “from your situation and condition in life, you will never, in all probability, be in any public employ; God be thanked, you are so circumstanced, that with moderate care and due attention, you will never stand in need of any *post* or *place* for your support; for without some caution of that kind

\* Historical Anecdotes ut supra.

we daily see men of the greatest and most opulent fortunes, in the highest ranks and stations of life, become the most dependent and time-serving people."\* Such was his matured estimate of the "honors and emoluments" for which he had sighed in vain: that in disappointment had driven an enthusiast of active life to "Diogenes' cynic cell," to become an ethical philosopher; and in his latter days,—nevertheless, morally, one of the highest rank of men—the least significant of dukes!

Mr. Charles Howard was not a young man when the honors expectant enshrouded for ever his literary genius: nearly sixty summers had floated gently over his head, and a decade had smiled themselves away in the acknowledged probability of his succession to the nobility of the ducal family: nevertheless *they had passed*; and in receding by gradual and imperceptible strides towards the vanishing point of his earthly career, had shortened the gilded autumn of his days to a span less extended than the accomplished years of his unfulfilled hope,—if hope it might be called,—that brought with it when it came, little self gratification to supply the ancient void, if his heart had still been susceptible of the patriotic influences that animated his youth. A patrician's rank shorn of its office, was the condition of his elevation. The same barrier to political power that stemmed the wishes of earlier life, still opposed any views of ambition; and the expectation that he might guide an applauding senate, or—

——— become

An Areopagite, and judge in cases

Touching the commonwealth—

if ever seriously entertained, was associated in his mind with political changes, albeit in the bosom of time, too far distant to be of his day; and he found no other inducement to emerge from the retirement that had become the habit of his life. "If," says Mr. Tiernay, "during the nine

\* Thoughts, Essays, and Maxims, 1768.

years that elapsed from his accession to his death, his name is ever mentioned in the public records of the age, it is solely in connection with some petition for relief from the penal laws that affected the religious community to which he belonged.”\* Only one such emergence from obscurity, however, has been shewn to have occurred, and that shortly after his acquisition of peerage rank;† when, as though startled by the impropriety of his intrusion on public regard, he sank for ever into the privacy of his accustomed reserve.

Such were his precepts, and such the man elected by fortune to be the successor of the magnificent peer who accomplished the lengthened measure of his days the twentieth of September, 1777. “Some,” saith the poet, “are born great, some achieve greatness, and some have greatness thrust upon them.” Assuredly Mr. Charles Howard was misplaced on the pinnacle of peerage rank; nor does he appear to have been over hasty to assume honors that engaged so little of his personal regard. Independently, however, of personal indifference, by the will of Edward duke of Norfolk, his executors were empowered to retain possession of all his mansion houses, and to keep house therein for the space of three months after his decease, with the view of affording convenient opportunity for making correct inventories of his personal estate, for the purpose of the conditions he had imposed and the trusts he had created; so that Mr. Charles Howard, if his succession to the title had been unconditional, there was yet an obstruction to the possession of those attributes of his dignity, essential to his investiture in the eyes of the world. Whether this additional fact influenced a reserve so consistent with the general tone of his mind, no incident, perhaps, will shew in greater contrast the character of two men,—his own unassuming modesty and the arrogance of his successor,—than the cir-

\* Hist. Arundel.

† Petition, 1778.—*Mem. of Engl. Catholics*, by Charles Butler, esq.

cumstance, that while Mr. Charles Howard the younger, "assuming to himself the titular distinction of earl of Surrey,"\* on the second day of October, performed the character of chief mourner in the heraldic ceremony at Arundel, over the ashes of the deceased ducal Howard;† his parent (the incipient duke) on the twenty-eighth of the same month, simply and truly as "Mr. Howard of Greystoke," felt it to be a part of his moral duty to follow in the like capacity to his more humble grave, the undistinguished, but hardly unknown or unacknowledged, William Howard!

What ties of blood, what affinity of nature's growth, induced this funereal regard or recognition? *Whom did he follow?* No stone or record tells his parentage; and the sons of these two men, in after life,—the one elevated to rank and influence, with wealth at command to use or abuse the power it gave; the other steeped in poverty to the lips,—met, in very unequal contest, to decide a question certainly not unanswerable when it first arose, and perhaps at any time within the power of one to solve, though not of both;—a question that embittered the poor man's life, if it abstracted nothing from the contentment of the noble's ease.

While these scenes were enacting, Mr. Walter Howard was in Portugal, whither he had been sent perhaps practically to illustrate the great moral principle portrayed in a previous page. By the death of his parents‡ he had sustained a loss, grievous in every respect to his future history; the link that connected him with his ancestors had been severed, and the chances of knowledge respecting them, slender as they may have been, greatly deplored in his after life, were materially diminished; for we have it in his own words, frequently repeated in his correspondence, "that he had been brought up and educated abroad under

\* Tiernay; Hist. Arundel.

† Dallaway; Western Sussex.

‡ His mother, Mrs. Catharine Howard, died in 1778, and was buried with her husband,—*Heralds' Office Pedigree*.

the protection of Edward duke of Norfolk, in obscurity, and kept in ignorance of his birthright.”\*

Let us retrace his early history:—

Mr. Walter Howard was born in the year 1759, and, after receiving the rudiments of an English education, was sent by the duke at an early age to St. Omer, celebrated for its college of English catholics,† of which the reverend Alban Butler, (author of the *Lives of the Saints*,) a secular priest of Douay, and chaplain to the duke of Norfolk, had been appointed president;‡ but the young Howard was of protestant parents: he had received his earliest tuition from a mother whose example, and instruction in the simplicity of the reformed protestant faith, had too firmly taken root for the casuistry of the jesuitical teaching to make any enduring impression on his youthful mind. Why then was he sent to a college famous for the strictness of its papal

\* Letter to the duke of Norfolk, 1797. Address to H. R. H. the Prince Regent, 1811.—*Appendix*.

† The college of English Jesuits at St. Omer, founded and organized by father Parsons in 1594, is described by Mr. Charles Butler as one of “the lasting monuments of his zeal for religion, the persevering energy of his mind, his talents and his address.” Father Talbot (George Talbot, earl of Shrewsbury) who resigned the coronet of an English earldom for the cowl of a monk, afterwards founded the college at Liege, and removed thence the professorships of philosophy and divinity, leaving grammar, poetry and rhetoric to be taught at St. Omer.—*Memoirs of English Catholics*.

‡ The reverend Alban Butler, after holding for some years a professorship in the college of Douay, accompanied the earl of Shrewsbury and the hon. James and Thomas Talbot in their travels through Italy and France. On the conclusion of that engagement he was appointed to the English mission, and shortly after named chaplain to the duke of Norfolk, with the superintendence of the education of his nephew and heir presumptive Mr. Edward Howard, whom he accompanied to Paris. In 1766, Mr. Butler was chosen president of the English college of St. Omer, which he retained till his death, 15th May, 1773, recorded on a tablet, in the chapel of his college, erected by his nephew, Charles Butler, esq.—*Life by C. B.*

Besides the presidency of the English college, the rev. Alban Butler held the appointment of Vicar General of the dioceses of St. Omer, Arras, Ipres and Bretagne, in the duties of which, “his zeal and success shone above all eulogy.”—*Encycl. Catholique*.

doctrine? By what inducement of adoption,—under what vision of worldly advantages did his parents resign him to a culture so repugnant to their own faith? Were they careless of the religious tenets their son might imbibe? Hardly so, witnessing the careful training that enabled him to withstand the contamination he was subjected to. Or were they confident in the strength of his youth to resist infection, and the truth of his judgment in after years, by the Divine blessing, carefully to weigh the superstructural errors in the balance against the sublime teaching of his earlier days? In either case it is more than probable the trial he now underwent proved the turning point of his future history; for in whatever degree he was related to the family of the noble papist whose name he bore, it was evident the duke had taken an interest in his education and his advancement, by consigning him to the care of the same celebrated professor who had superintended the education of his immediate heir: but in no respect could the young protestant conform to or settle down in the routine of tenets he had been taught to abjure; and feeling ill at ease in the restraints he was subjected to, he took less interest in the scholastic advantages the establishment

\* Mr. Butler's aptitude for the presidency of the college appears to have been as remarkable as his success in the general advocacy of his faith. "I could tell you," writes a contemporary canon of the cathedral church of St. Omer, "of his assiduousness at all the exercises; of his constant watchfulness; of the public and private exhortations he made to his pupils, with that precious eloquence we meet with in his writings; of his pious solicitude for all their wants; and of their tender attachment to him.

"He had the highest veneration for the Holy See, and constantly held and maintained the rights and singular prerogatives of St. Peter." In this respect, his zeal was admitted by a bishop of his church, to be rather vivacious; and his credence of all the miracles of his Saints has been noticed as worthy of the ages to which they refer. "As a preacher," adds his nephew, "he almost always failed:" not less perhaps with his pupils than with other of his audients. "His sermons were sometimes interesting and pathetic, but they were always desultory, and almost always immeasurably long."—*Life by Charles Butler, esq.*

otherwise afforded than under more favorable circumstances he would have done. At the commencement of his residence little was expected from him; forms and ceremonies, imposing and seductive, were allowed, and were perhaps expected to make their impression; but as time wore on his obduracy became apparent, and his non-conformity, insurmountable from the steadfastness of earlier impressions or a total inability to appreciate doctrines novel and repugnant to his mind, rather than the result of any argumentative mental process of which perhaps his early years had scarcely been capable, interposed a barrier fatal to his advancement in the college: perhaps his residence ultimately became as hopeless to the professors as it had been unprofitable to himself; and he quitted without regret associations not unimportant or inconsiderable in prospect, had convictions of more vital importance permitted communion.

If young Walter had been obdurate to the impressions of papal doctrine, the ordeal for his conversion must not be viewed in the light of a religious persecution. The duke was himself a papist by education and from conviction: nevertheless, his long intercourse with society and his elevated position in the world, uninfluenced by political motives, called upon him to tolerate the convictions of other men with the liberality he desired for himself; but to respect heretical doctrines in a *protégé* of his own name and blood, or to be careless of his religious teaching in the tenets himself thought infallible, he might not improperly have considered a criminal neglect. If, however, the result had not been to his mind: if the stern obduracy of the boy demurred to the silent wishes of his patron and friend, though it might entirely have changed the duke's intentions towards him, or afforded opportunity for intervention to his disherison, it did not wholly permit the alienation of his aged friend's regard: and though the intervention, if not the disherison, may perhaps be transparent in a cold form of words, the young heretic was not left without the pros-

pect or the means of securing a position in the world, equally respectable with that of another of his name, at a later period acknowledged by the duke to be allied to him in blood, and of so near affinity as to inherit presumptive expectations of succession to his nobility and wealth.

Returned to England from the college at St. Omer, after a brief sojourn, Walter Howard was again provided for by the duke; still, however, at a distance from home; being then, at the age of fifteen years, sent to Oporto, under the care of Mr. John Searle, a wine merchant resident in that city, with the view, it is assumed, of being brought up to that commercial occupation.

The advantage of industrious pursuits individually and nationally, has been the subject of patriotic encomium by a writer before quoted. Advocating the extension of the principle to a class that may be termed his own, "it seems to be very absurd," adds Mr. Charles Howard, "that commerce should disgrace the younger brothers of gentlemen and noblemen, when it requires five times the abilities and parts to be a useful great merchant, than it does to be a hang-on gentleman. A poor idle gentleman is but a poor profession!" \*

Soyez plutôt maçon, si c'est votre talent  
Ouvrier estimé dans un art nécessaire.†

With sentiments such as these (apologetical, perhaps, of family facts,)‡ professed by one of its well provided mem-

\* Thoughts, Essays and Maxims, 1768. In admirable illustration of his doctrine, "The Quakers," continues the same writer, "are said to have fewer poor than others. One of them gave this to me as a reason, 'We endeavour to support the house before it is fallen, which is much easier than to rebuilt it.'"—*Ib.*

† Boileau.

‡ Mr. Charles Howard's father had not disdained to support his house by an alliance with trade. In the year 1703, a report became current of a marriage having been concluded with Sir John Shelley's daughter, and a fortune of £16,000.—*Luttrell's Diary*. At a previous page, his wife is described to have been daughter of "John Aylward, an Irishman."—*Pedigree*, p. 27. Collins describes her as Mary, daughter of John Aylward, esq.,

bers, it appears to have been a laudable custom of the Howard family, and one probably to which they were constrained to resort, when public employments were not open to its Roman catholic members, and provision for all of them must somehow be made,—to promote industry and discourage idleness in the cadets of that noble house, by placing them in trade; and whether or not it may be attributed to their fortunate alliance with the Albinis (*Pincernæ* to our early kings)—the acquisition of the Butlery to their title of office, and the right of the *skinks* to their coat armorial;\* certain it is, that the wine trade, *par préférence*,

descended from the Aylwards of the county of Waterford, in the kingdom of Ireland.—*Peerage*.

An error, adopted by Mr. Henry Howard of Corby, in his *Memorials of the Howard Family* (fol. 1836,) is rectified by the following extract from the collections of Le Neve:—"Charles Howard, son and heir of Charles Howard, of the county of Cumberland, esq., uncle to Henry, late duke of Norfolk, was married on Wednesday, the 21st February, 170 $\frac{1}{2}$ , to Mary, daughter and coheir of John Alwill, of London, merchant, £4000 fortune. The other daughter and coheir was married to Richard More, of Fawley, co. Bucks, Bart., about six months since."

\* The Skinks or wine cups, emblematical of the Butlery, were not, however, retained by the Albinis, earls of Arundel, who took a more noble device from some fabulated prowess of their lordly chief. The Skinks, however, are still recognised as symbolical of the service; and, in the form of three mazer cups or bowls of maple wood, are duly presented to the sovereign on the day of the coronation, by the lord of a Kentish manor. They are also borne heraldically (two and one) by the Botelers or Butlers of England, in cognizance of their prescriptive office; while the Bouteilliers of France, carry bottles on their shield. Mr. Hampson, from etymological deduction, infers the Latin *pincerna* = *buticularius*, the leather bag or bottle man, to have been an officer distinct from the *A.-Sax.* Skinkers, the *pocillatori* or cup bearers; the former perhaps in the character of cellar-men, standing aside and decanting the wine into the cups. He admits, however, that in the earlier ages, the *pincerna*, butler, and cup-bearer, to have been one and the same officer.—*Origines Patriciæ*, p. 262.

Pepys drank his Christmas wassail out of a wood cup (*Diary*, Jan. 4, 1667); and Evelyn, at the lord mayor's feast at Guildhall, in 1663, took his wine out of a wooden dish (*Diary*, *ad ann.*). Heywood mentions wooden drinking cups in great variety of form and name (*Philocothonista*, 1635). In some of the ancient gilds of London, where the customs of for-

did engage the particular attention of the ducal house; for it is related of a collateral relative, whose son eventually succeeded to the dukedom, "that he had been a *wine merchant* in trade, but having been unfortunate in the commercial pursuit of wealth, had afterwards held an appointment in the domestic household of Edward duke of Norfolk."\* It may be inferred, perhaps, that his business knowledge became of value in the ducal cellar, and that the duties he performed gave title to the service,—Mr. William Howard, it is said, remembered him in a capacity that did not impress his son with a notion of propinquity to the ducal House, or respect for his family, when, in after years, their right of inheritance became presumptive.† Whether servitude was a provision suitable for an acknowledged relative, reduced from a position of respectable industry to dependence, though at the time too distantly connected to be received within the line of early probable succession to the family honors, may perhaps be considered a matter of taste only in the noble person so magnificent in his ideas for the position of his immediate heir. The arrangement unquestionably was rather patriarchal than feudal, and spoke of times when every household was a family and every family a household; but to modern ideas,—did it add dignity to the ducal state when the blood of Howard became great Howard's ganymede? Or is it to

mer ages have been less subjected to innovation than general society to the caprice of fashion, wooden bowls have been used as wine cups in our own day.

\* Petition of Mr. Walter Howard to the King, 1816.—*Mysterious Heir*.

† Ex inform. Mr. Walter Howard. In the will of Edward duke of Norfolk, 1777, among bequests to his upper servants, occur legacies of one hundred pounds to Mr. George Townshend, "assistant to Mr. Howard, of Sheffield;" and thirty pounds to Charles Calvert, also "in the service of the said Henry Howard." In the sequel, he leaves to his "kinsman, Henry Howard, of Sheffield," the residue of his personalty not otherwise disposed of, and appoints him one of the executors of his will. In what position of life Mr. Henry Howard had been then placed to require an "*assistant*," does not very clearly appear.

be inferred, that in affording protection to an unfortunate member of his parent stock —

— what his heart denied,  
 His charitable vanity supplied? —

No, the suggestion may not be entertained: yet to say the least, it was a cheap patronage, reflecting less humiliation on the unfortunate dependent than on the noble patron. So indeed, the matter was treated by Mr. Walter Howard, who, in his petition before-mentioned, observes: "In thus referring to the humble situation of Mr. Henry Howard, your petitioner is not induced by any wish to reflect upon his memory, or to cast a slur upon the noble blood from which he undoubtedly is derived; but your petitioner thinks it a point necessary to notice, in order that *his own situation in life* may not receive a greater portion of disparagement." Indeed, from presented facts, it would be too much to assume, that provision, however unimportant, or service menial, could be urged against the probability of alliance in blood to the noble person who had so dispensed his patronage; but whether as an acknowledged relative or not, the early provision for Mr. Walter Howard was as before stated; and the pursuit that of the commerce in wine. It is within the possibility of events, that the selection had been suggested to the duke by his relative already experienced, though unsuccessfully, in the mysteries of the trade; and without raking history for "a combination of examples where the Howards in former times have not stuck at a trifle to gratify their ambition, their revenge, or their malevolence,"\* there might

\* The Mysterious Heir, by T. C. Banks, esq. 8vo. 1816. "An old adage says, '*What has been, may be again*;' and the annals of History relate that the Howard family left nothing undone to obtain the barony of Stafford from the *rightful heir*, who, on account of *his poverty*, was sacrificed at the shrine of overbearing power, though his fate (so arbitrarily decided) was afterwards referred to by the Lords, in a resolution which remains upon their Journals, that no one should in future be barred of his inheritable dignity by the like mode of proceeding."—*Ibid.*

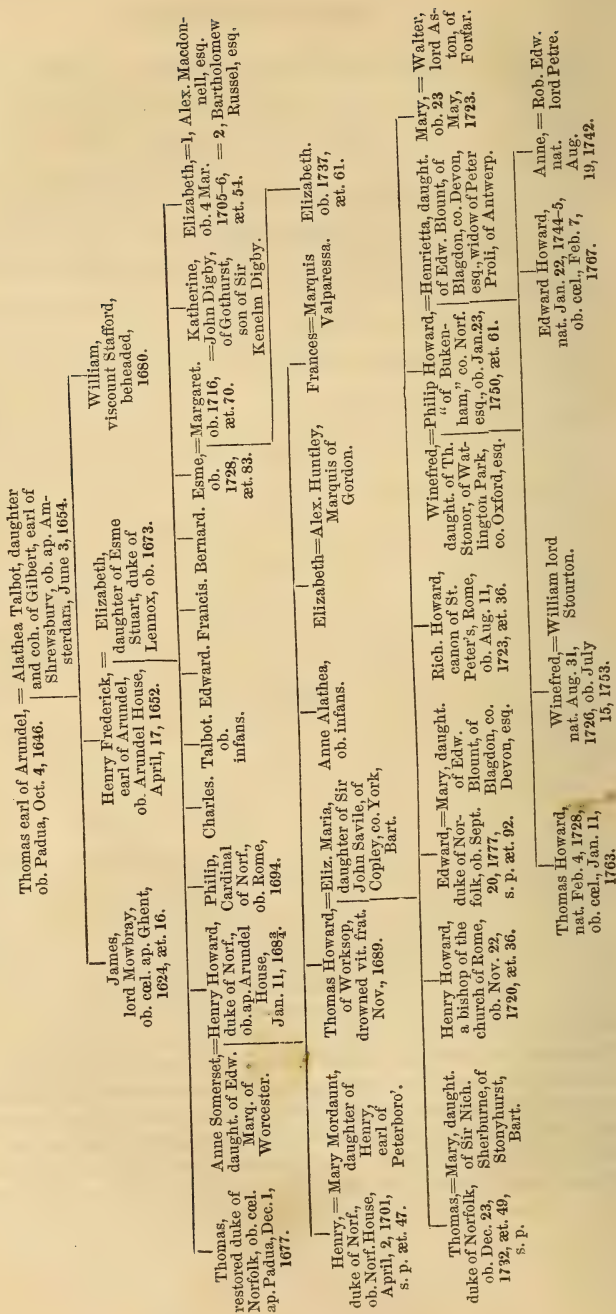
have been those,—the alleged descent of the youthful *protégé* being known to them,—who would not have been without an object, if they had desired to place the ocean between young Walter and his noble friend and patron. “Is it then impossible,” asks the advocate before cited, “that Mr. Walter Howard should have been the victim of some of those passions or sinister designs which in times past have actuated some members of his otherwise illustrious family?”\* Howbeit, he was commissioned for Oporto,—perhaps somewhat like Hamlet for England,—and away he went!

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\* The Mysterious Heir, ut supra. “In the Anglesea case, many years since before the public, it was manifested that an uncle caused his nephew to be secretly seized and sent abroad, in order to make way for his own succession to the honors and estates of his elder brother; but an inscrutable Providence, which sometimes suspends the punishment of crime only that its detection may cast the greater shame upon the offender, at length brought to light this most infamous transaction.”—(*Memoirs of an unfortunate Nobleman*, 1743.)—*Ibid.*

The cases, however, are not exactly parallel; and even the analogy, (if the estimate of the same writer be taken in evidence) would not be less remarkable than the celebrated proposition of *Fluellin*, assimilating ‘Macedon’ with ‘Monmouth;’ for, strange to say, he has introduced his very caustic allusions with a negation that must necessarily undermine any foundation of his own case!—*The Mysterious Heir*, p. lii., § 4.

# DESCENT OF EDWARD DUKE OF NORFOLK.



## CHAPTER II.

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We are not all alone unhappy.  
 This wide and universal theatre  
 Presents more woeful pageants than the scene  
 Whereon we play.

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## THE DUCAL LINE.

EDWARD, duke of Norfolk, last representative of the elder branch of the Howards, in a direct line from the first marriage of duke Henry, who died in 1683, by parentage and education was a rigid Roman catholic. Henry, duke of Norfolk, his uncle, of the reformed protestant church, seemed especially sent to carry the family with credit and safety through the trying times of the Orange "usurpation;"\* and he opportunely died, without issue, to make

\* This term of course represents the legitimists', and, with the Howards, the romanists' view of the revolution of 1688: its propriety as opposed to the popular doctrine of events and depending on facts, being the result of opinion, whether James the Second, when he retired from his palace at Whitehall before the advance of the *Dutch guards* of the prince of Orange, seeking personal safety and resources in a foreign land, actually *abdicated* his throne. The king himself had said, "The prince of Orange came for the crown whatever he pretended; but he would not see himself *deposed*: that he had read the story of Richard the Second."—*Clarendon's Diary*. The "Declaration of Rights" alleged crimes and misdemeanors, purporting so wide a breach of the social compact between king and people, that there would have been little difficulty perhaps of establishing the propriety of the other term, had the charges been prosecuted to that result; but all parties shrank from the possible recurrence of unhappy events precedent but forty years; and James being *driven from the throne* that his father had then vacated by more violent means, the Convention, assuming omnipotent authority, voted by a considerable majority that the king *had* "*abdicated*," and it was so. The adoption of the term, however, had been contested, and

way for the inheritance in succession, of nephews diametrically opposed to him in politics and religion.

Duke Henry, or not to anticipate his honors, Mr. Henry Howard, the common ancestor, was second son of Henry Frederick lord Mowbray and Maltravers, also second son and ultimately heir of Thomas earl of Arundel, the celebrated collector of antiquarian relics.

was the occasion of a memorable conference; twenty-six peers, thirteen bishops, and one hundred and forty-three commoners in a protestant assembly being of a contrary opinion. In whatever light, therefore, as a matter of *expediency*, the king's involuntary absence may have been construed, his intention of retaining his crown and recovering his dominions admit of no doubt. How then and by what juridical act did he *abdicate*?

In our own day, a public journal which assumes to represent public opinion in this country, has declared that "England regards temporal power not as a matter of divine right, but *depending on the wishes of the people over whom that power is exercised. She claims no higher origin for her own monarchy*, and she is not disposed to admit to other nations what she does not claim for herself."—*Times*, Nov. 18, 1859.

Oh! certainly, that is the principle established by the precedents mentioned; though it is doubtful if her majesty or many of her predecessors understood their coronation ceremony exactly in the light of a conditional popular election; but according to the *dictum* above expounded for the people of England, our sovereign may be deposed any day it shall please the "advanced intelligence of the age" or its self-constituted exponents to "open up" that Utopian abyss into which we are fast being driven, and to vote her dismissal from the throne:—supposing always, however, the power to carry out the scheme; for one of England's most able patriots has declared it also to be a constitutional principle, that "Every government has a right to use its own forces to overcome resistance of its own subjects to its sway."—*Lord John Russell*, July 25, 1859. *Parl. Pap. on Ital. Affairs*.

If James the Second could not retain or recover his crown by dependence on a native army; it is equally questionable if the prince of Orange could have won it or maintained his position by the same power alone, since ten years elapsed before his foreign troops had left the country; the legitimists therefore, may be excused for their opinion, if not pitied for their repeated exertions in its maintenance, when, instead of wearing his crown, had James been soldier enough to have conquered in the field, the prince of Orange might have suffered the fate of the duke of Monmouth. After all, then, the question must find its solution in the convertibility of terms; not forgetting the old saw:—

Treason does never prosper,—for this reason,—  
That when it prospers, none dare call it treason.

Mr. Henry Howard was born at Arundel-House, "neere the Strande, in the suburbs of London," in the year 1628, and was educated in the principles of the Romish church, nevertheless that his parents professed the reformed religion, and that two of his brothers were brought up protestants by their grandfather, Thomas earl of Arundel, with the unhappy results hereafter to be narrated. The time of his youth, from political events, was a period of trouble to his family. His grand-parents were abroad; the earl,—disappointed of reward at home, if not apprehensive of coming events, having sought diversion in travel and a foreign home, escaped in some sort the absolute ruin that came upon others not more loyal than himself; although, in addition to his voluntary sacrifices in the cause of the king,\* he still suffered to a considerable extent from the predatory nature of the conflict that raged in his absence;† but the lord

\* The earl of Arundel, says Lloyd, contributed not less than fifty-four thousand pounds to the service of the king.—*Loyalists*, p. 285. The money must have been borrowed, adds Mr. Tiernay, and increased his embarrassments.—*Hist. of Arundel*.

† At the commencement of hostilities, Arundel Castle being seized and held for the parliament, was reduced almost to ruin, and its internal habitable arrangements destroyed, in its capture by lord Hopton, and recapture by Sir William Waller, in 1643-4.—*Tiernay, Hist. Arundel*. Complaints were afterwards made to parliament by the earl's stewards, that his goods at Norwich had been seized by the sequestrators; the timber in his parks cut down, his deer killed, and the park pailings burnt,—*Lords' Journal*, v. vi., pp. 144, 198, 202, 592, 613, 650, 651, 655, 693; v. vii., pp. 25, 32, 34, 38; and his income was so crippled, that on the occasion of an assessment by parliament of one thousand pounds, as the *twentieth* part of his revenue, his steward, Mr. William Marsh, by petition, prayed forbearance "in regard his lordship hath but three hundred pounds of his revenue these six months to subsist withall." It was ordered, however, that five hundred pounds, one-half of the assessment, be laid down and paid according to the assessment; with a respite of three weeks to shew cause as to the remainder.—*Ib.*, v. vi., pp. 480-2

In reply to the numerous complaints of the destruction of property, it must be added, that the governing power, from time to time ordered such protection as could be afforded, "the earl of Arundel being under no delinquency, and paying all taxes and assessments assessed by parliament."—

Mowbray, who, from an early period of the contest between the king and parliament, identified himself with all the public acts for the declaration of the authority of the king, and served as a volunteer in the royal army from the commencement of hostilities \* until the death of his wife's brother, the lord Bernard Stuart, at Rowton Heath,† was too deeply involved in "delinquency" to escape the consequences of adhesion to the throne; or when summoned to the sick bed of his illustrious parent in Italy, even to obtain a pass through the enemy's lines,‡ by which his personal safety might have been ensured; though in the retreat of the army, after the unlucky discomfiture in the neighbourhood of Chester, to its former quarters at Oxford, he does appear to have made some ar-

*Ib.*, p. 655. The Committee at Lewes, however, as to alleged depredations at Arundel, justified their excesses "in regard to the great charge the country is at in maintaining and *defending the earl's castle for him*, the timber being necessary to repair the fortifications, &c."—*Ib.*

\* Mowbray followed the king to York; and on the last day of June, 1642, intimation was given to the parliament that twelve horses belonging to him, at Greenwich, were ready to go to York; and were detained by order of the House.—*Commons' Journ.*, ii., 646.

† Sept. 22, 1645.—*Lloyd, Loyalists*. The lady Mowbray was Elizabeth, daughter of Esme Stuart, duke of Lennox. Two other of her brothers were also slain in the service of the king; the lord George Stuart, at Edgehill, in 1642; and the lord John Stuart, at Brandon, in 1644. At Edgehill fight, the lord Mowbray also was present.

‡ The lord Mowbray had written the following letter to the earl of Essex, from Oxford, 11th March, 1643, before the king's unlucky march from that place to the defeat at Naseby:—

"My lord,

Having his majesty's leave to go beyond sea, I am now a suitor to your lordship (as I was formerly by some of my friends) for a pass to go securely through your quarters, with my servants, horses, and necessary baggage: I assure your lordship I will no way abuse your favor therein, but acknowledge it for a very great favor.

"Your lordship's humble Servant,

"MOWBRAY & MALTRIVERS."

The application was referred to Parliament; and on the 13th MARCH the House declared their dissent therein, and that the lord General should not grant the pass as desired.—*Lords' Journ.*, v. vii., p. 270.

rangements that enabled him early in the following year to attend the earl of Arundel in his last sickness at Padua; where he found his son, Mr. Henry Howard, who had been some time abroad;\* and the earl dying unexpectedly on the 4th October, 1646, when it was believed he had so far recovered from his indisposition as to contemplate a removal homewards,† whatever arrangements had been made were frustrated, and they followed his dead body to England. Here the lord Mowbray found the king's affairs in a condition hardly more desperate than his own;‡ and in retirement,—for a time in poverty,—he closed an unfortunate and brief career as earl of Arundel, in the year 1652.

This was a period not favorable for the hopes of the royalists. Cromwell's "crowning mercy" at Worcester had decided by fortune of war the military career of king Charles the Second; yet the hopes of the Howards of Arundel were inseparably bound up with those of the monarchy;§ and Mr. Henry Howard had united himself in

\* Evelyn, in Italy, under date 10th October, 1645, at Padua, writes: "Soon after came to visit me from Venice, Mr. Henry Howard, grandchild to the earl of Arundel."—*Diary*. At this time Mr. Henry Howard was seventeen years of age.

† An order of the House of Peers, March 25th, 164 $\frac{1}{2}$ , directs "That the earl of Arundel and other peers absent beyond sea shall be sent for, and give their attendance.—*Lords' Journ.*, v. vi., p. 482.

‡ On the 17th November, 1646, there is an order of the House "That the earl of Arundel shall have a pass, with twelve servants to come from beyond seas into England;" and on the 6th February following, the Speaker informed the House "That the earl of Arundel is come to England by virtue of the order of the House; and is ready to obey their lordships' order." Ordered, that the earl of Arundel shall remain in his house until he understand the further pleasure of this House.—*Lords' Journal*, v. viii.

§ Of the younger branches, several Howards were slain in the king's service during the great rebellion; and "Tom Howard of Suffolk," who commanded the king's reserve of cavalry at Naseby, afterwards Master of the Horse to the princess of Orange (sister of king Charles the Second) ran some risks in the part he played; though he ultimately had the fortunate chance of befriending the man who discovered his secret—and became his dupe.—*Thurlow's State Papers*, v. 169; vii., 349; *Carte's Letters*, ii., 319.

marriage with a noble house, distinguished for its most faithful devotion to the king and its sacrifices in the royal cause. The lady Anne Somerset was elder of the two daughters of Edward, second marquess of Worcester, son of the noble defender of Raglan Castle.\* The second

Colonel Thomas Howard was younger brother of James, third earl of Suffolk. During the Protectorate, he visited England as "a spy;" and in 1656, in company with Mrs. Lucy Walters, lodged "at the barber's shop over against Somerset-House."—*Thurlow*, v. 161.

Another interesting member of the family was Mr. Henry Howard, who, in September, 1656, undertook a somewhat questionable journey "from Gray's Inn to Durham to speak with a fellow student, one Mr. Stanley, who was born in Kent;" and being arrested on suspicion, underwent examination by the ruling authorities of that city. He described himself as son of one William Howard, dwelling at Floydon, three miles from Norwich; and to test his identity, the following is his description: "Mr. Henry Howard, as he calls himself," thus runs the record, "is of middle stature, ovel-faced, full of pock-holes, long bright brown hair, about twenty-four or twenty-five years of age; little or no hair on his face, a small white hand; a white gray loose coat, a leather doublet, with leather breeches trimmed with black and red ribbons; a broad band and great cuffs, with silk stockings."—*Thurlow's State Papers*, v. 470. It did, however, subsequently transpire that the above described was not his best suit of apparel; that he had plenty of money at command, though not in his purse; and that, in addition to his admitted residence in France and Italy for several years, his connections there and his business here were other than he cared particularly to state; for that in fact "the late prisoner came from the court of the *Scottish king* out of France last Easter; and after speaking with some gentlemen of that county (Durham), proposed to take shipping at Newcastle with all speed again for France."—*Lib. cit.* 614.

It will not be forgotten that the "*Scottish king*" was Charles the Second, crowned at Scone, in 1650, about twelve months before his army marched to its final overthrow at Worcester.

\* Her younger sister, the lady Elizabeth Somerset, espoused William Herbert, third lord Powys, created earl Powys, in 1674, by king Charles the Second. In 1678, the earl was one of those unfortunate noblemen implicated by the notorious Titus Oates in the alleged plot of that year, and, with the viscount Stafford and others, voluntarily surrendered their persons to meet the charge. In due course they were all impeached for high treason and committed to the tower, where the earl of Powys continued till February, 1683, when with his remaining fellow prisoners he was admitted to bail. In the mean time the unfortunate Stafford had met his fate; and in November, 1678, the countess of Powys had been "sworn into prison"

marquess, although no soldier, with his illustrious parent was a Roman catholic of invincible zeal and constancy, greatly instrumental in conciliating the members of his church to the royal cause; and so much in the confidence of his sovereign, as, in the extremity of his necessities to have been entrusted with uncontrolled, nay, even regal powers for engaging and rewarding services, and raising troops and money, after all the resources of his own family had been exhausted in the adverse struggle.†

by the hardly less notorious Dangerfield. She also was committed to the tower for several months, until admitted to bail by the judges of the King's Bench; and on the 24th May, 1680, obtained her release from the charges against her, by the grand jury of the county of Middlesex ignoring the bill of indictment.

In recompense for his sufferings, the earl, in 1686, was created by king James the Second, viscount Montgomery and marquess of Powys; and following the adverse fortunes of the king into France, the marquess was further advanced to the empty honor of duke of Powys at the court of St. Germain, where he died in exile in 1696; his duchess in 1692. A monument in the church of the Augustine nuns at Bruges, preserves the memory of the lady Lucia Teresa, daughter of William duke of Powys and the lady Elizabeth Somerset his wife, a professed nun of that house, who died in 1744, at the age of eighty-five years. Four other daughters were married to men of distinguished families, professing the same religion and politics that brought their parents to persecution and exile,—some of whom, in after years, perilled and lost life and fortune in the vain assertion of their revived loyal traditions.

† The extraordinary patent is yet extant, by which a dukedom was conferred on himself, with powers to pledge the revenues of England, Ireland, and Wales, and to fill up blank patents of nobility, in aid of the royal cause. To the same purpose, subsequently, when hope had all but expired, "If," wrote the king, addressing the marquess, "you can raise a large sum of money by pawning my kingdoms, I am content you should do so; and if I recover them I will repay that money." It was too late: the tergiversation of the king had disheartened and subdued one of his most devoted friends.

After the restoration, a committee of the House of Peers was appointed to inspect a patent of so dangerous a character as that described; and the marquess met the occasion by tendering it to be cancelled.—*Collins, Peerage*, v. i., p. 223, ed. 1756. One of its provisions was a contemplated marriage between a son of the marquess, who lived not to manhood, and one

Raglan Castle was nearly the last stronghold that displayed the royal standard ; and when that of necessity was forced to surrender, the determined loyalty of his race left only suspicion and restraint for the brief remnant of his days to its aged defender ;—the fortune of flight to his son ;—and the second marquess of Worcester had been several years a proscribed delinquent—exile on a foreign soil, when the marriage of his daughter, the lady Anne Somerset, with Mr. Henry Howard, united the sympathy of two noble families in adversity in a community of hope—not lacking zeal—for the cause of a throneless king. It is said to have been a match of affection. Both were young, and there could have been little in the immediate prospects of either, beyond the wealth of the cottage. A dowerless maiden, daughter of a noble and once wealthy house, became the wife of a younger son of an impoverished Howard.

It must have been with some such sentiments of contentment as those described—a noble and provident resignation to adversity, that Mr. Howard is said to have erected for himself a modest retreat in the immediate vicinity of the old palace of Princenhoff, the residence of the Franciscan nuns at Bruges,\* which appears through life to have been his favorite resort for some portion of the year ; and in troublesome times a refuge of security and peace. Here, in the quiet enjoyment of his little garden, which constituted his whole domain ; in social intercourse with his family and a few friends ; in the religious meditation the seclusion afforded ; and in the neighbourly offices of charity to the extent of his limited means, the voluntary exile gave vent to all the better feelings of human nature, and kept his energies from self reproach. A man of the world at heart, he adapted the measure of his contentment to his means, and awaited with the repose of a philosopher

of the king's daughters, the lady Elizabeth, who died at Carisbroke Castle, in the Isle of Wight, in 1650, in the fifteenth year of her age.

\* Tiernay, Hist. Arundel.

the chances of events and the advent of more seasonable times for action. The prospect of these, however, could only have been far in the distance, and were dependent not less on the political aspect of affairs at home than on family occurrences. In all human probability, he was likely for some years, to repose on such a moderate income as the embarrassed necessities of the earl his father or the favor of his grandmother, the countess dowager, might allow for his maintenance; and his arrangements were characterized by a prudence calculated to give stability to his moderate expectations.

Whether nature had endowed Mr. Henry Howard with the wisdom that is reputed peculiar to this nether world, or that he inherited the motto of the Cavendishes with the religion of his grandmother, Alathea Talbot, certain it is that he steered through difficult times with a success that constitutes the faculty of good judgment in the opinion of the many. As his early years had been spent chiefly abroad, he had fewer home associations to regret; and having witnessed the misfortunes of his father as a cavalier,—professing, himself, no sentiments in common with or that could conciliate the roundheads, there was little inducement to return to his own unsettled country. “During the Commonwealth and the Protectorate,” writes Mr. Tiernay, “he lived in total seclusion, to which the professors of the old religion and the adherents of the exiled king were inevitably condemned,—mostly on the continent.”\* Whether the decease of his father at a very early period, as it is reasonable to suppose, brought him to England, has not been stated; but the mental aberration of his elder brother, and the family arrangements consequent on that deplorable event, placed him in a position somewhat more important than that of heir presumptive to the inheritable dignities attached to the “head of the Howards;” and he had committed no offence against the majesty of the people

\* Hist. Arundel.

that his presence should place his personal safety in immediate jeopardy. Nevertheless his position was not without its cares; and the family estate, as the inheritance devolved on him in the twenty-fourth year of his age, encumbered with the accumulated debts of two generations, and charged with the maintenance of, and provision for, a numerous family, required all the care of prudent management and experienced finance, to restore it to a healthy condition.

Besides the costly maintenance of his state—commensurate with the “greatness of his birth and quality,” and the liberal indulgence of a taste for the fine arts, the causes had been several that weighed heavily on the finances of of his grandfather, Thomas earl of Arundel. Doubtless he was an embarrassed man: and among the reasons that induced him to take a temporary and as it proved, a last farewell of his native land,\* appears to have been that of placing his sickly estate at nurse. In the same year, 1641, we may read, that “Thomas earl of Arundel, being seized in fee of divers manors and liberties in the counties of Norfolk, Suffolk, Sussex, Surrey, &c., did, jointly with the

\* Blomfield writes that “the wars breaking out and the earl grown ancient and unfit for military services, obtained leave of the king to travel” (*Hist. Norf.*, v. i., p. 90); and it may very well accord with that statement that a pass should be ordered for “eight coach horses, one other horse, and six men to look after them, to be sent beyond seas, to the earl of Arundel: (August 26th and October 14th, 1642.)—*Lords’ Journals*, v. v. But other entries indicate a decided intention of settled residence. On the 14th January, 1642½, information was given to the House that sixty chests of treasure belonging to the earl of Arundel lay at the Custom-House for shipment abroad; and a deputation being appointed to inspect and report, it was found that such a number of chests and trunks had been licensed to be shipped; but were found to contain only pictures and household stuff.—*Ib.* On the 19th October, it was “ordered that the china dishes and hangings of the countess of Arundel be permitted to be transported without lett or hindrance.”—*Ib.* And on the 8th June, 1643, a pass was granted for transporting beyond sea,—eight bundles of bedding and hangings; six boxes and trunks with bed and table linen and apparel; six cases and hampers with chairs and stools and the out and inside of a coach; and six cases of pictures, belonging to the earl of Arundel.—*Ib.*, v. vi.

lady Alatheia, countess of Arundel, his wife, and Henry lord Mowbray and Maltravers, their eldest son and heir apparent, convey a great number of said estates to trustees,\* to make sale of the whole or any portion thereof, and to apply the money so raised to the payment of the debts of the said earl; the overplus, either of money or estates unsold, to remain to the use of the lord Mowbray and his heirs."† Eighteen days later, the earl himself pathetically refers to the condition of his affairs and the earlier causes of his embarrassment.

In his will, dated at Dover the 3rd September, "I beseeche his majesty," he humbly writes, "even for God's sake, and for the memory of his grandmother queen Mary, and father king James of blessed memory, to have a tender and princely care of the greates losses of my family, and of the helping it to subsist in honor, I calling God to witness that just monarchy never had a more faithfull servant to the uttermost of my power."‡

A very interesting letter of the countess Alatheia explains, that it was the seizure of the entire patrimony of the earldom, on the attainder of Philip earl of Arundel, in 1589, and the large sums required to re-purchase the estates in the time of the first James, that so much money had been taken up at interest§ by the earl her husband, and had involved in embarrassment not only the Howard patrimony but also her own ample inheritance.||

\* Deeds dated the 12th and 16th August, 1641. The trustees were Lionel, earl of Middlesex (lord Treasurer, who died in 1645); Henry lord Pierrepont, afterwards marquess of Dorchester; Edward lord Newburgh; Sir William Playters, Knt. and Bart.; and Sir Richard Onslow, Knt.

† Blomf. Hist. Norf., v. i., pp. 56, 90, 189, 240; ix., p. 28; xi., p. 105.

‡ Harl. MS. 6272.

§ The earl appears to have raised money by annuity, secured on land, at about *ten per cent.* Blomfield mentions that in 1608, Joan Woodward, of St. Clement's Danes, London, for £450, purchased an annuity of forty-four pounds per annum, charged on the earl's estate at Fersfield.—*Hist. Norf.*, v. i., p. 91.

|| "At the beginning of king James his coming into England," writes the

In his will, the earl refers to this noble inheritance of lady Alathea as the mainstay of his house: "For my goods," he continues, "I give them all to my deare wife, by whome God hath blessed mee with so hopefull a posterity; beeing assured, as I did by the knowledge of my blessed mother, before the act of Parliament, make Arundell Castle, and Arundell House, with the lands belonging to Arundell in the Act,\* to her for joynture, so shee will bee carefull, according to the power in the Act, to intayle all the principall of them to those houses; and as I am most assured shee will proove ever a kind mother to my sonne Mowbray, soe I doubt not his memory of such a parent, who brings to our poore family the best meanes of subsistance, and hath beene with him, both in his travells abroad and in all his sick-

countess, "all the ancient estate belonging to the family was given away by the king, so that my lord was left without any of the ancient patrimony; and being very desirous to regaine as much of it as he could, tooke up greate summes of money to buy part of it, which putt him into so great a debt, with interest daily increasing, that it was very hard to get out of it; and those servants he then employed, representing to him how prejudiciall it would be to his estate to lett the debt daily increase, he commanded them to think of some wayes of raising of money to pay it, which they very carefully did diverse ways, particularly by leasing my lands, some for lives, some for years, by which very great summes were raised.

"Immediately upon this king's coming to the crowne, he put my lord into the tower, confined my son and his wife in one place and me to another; and likewise took from him that which king James had given him for many years faithfull service, which at that time, by reason of some particuler accidents, would have raised a great deall. So that I well remember Dyx told me, that if that money had not beene taken away into the Exchequer, adding it to the fines, it would in a manner have paid the debts."—Letter to lord Andover, 14th Sept., 1648.—*Tiernay, Hist. of Arundel*.

The lady Alathea Talbot, (a godchild of queen Elizabeth)—"heiress of Hallamshire,"—on the partition of the estates of her father, Gilbert, earl of Shrewsbury, among his three daughters, inherited lands producing upwards of thirty thousand pounds per annum. In her letter above mentioned, she referred to her fortune with modesty, as "an estate most inconsiderable in respect of the person to whom it was brought, else one of which she was in no way ashamed."

\* Act of Entail, 3 Charles I.

nesses and distresses, with soe much tendernes, will preserve a duty and live aunswerable, which wilbee his greatest happines and praise before God and man.”\*

The appeal to the king was valueless by political events; and to his son Mowbray, perhaps by his extreme necessities, which seem to have overridden the direct commandment of God and the affecting appeal of the earl: nor were his other arrangements of happier result; for the unsettled times intervened to counteract hopes and prospects where they did not wholly destroy. At the death of Thomas earl of Arundel, five years after the settlement mentioned, the trustees had so far carried out their trust as to raise considerable sums of money on security of the estates; without, however, being able to forward the object in view, for here a self-constituted government interposed its necessities; and not without royal precedent for compulsory loans, at a later period the parliament acknowledged to have “made use of money, to the value of fifteen thousand pounds, belonging to the earl of Arundel, assigned by him for the payment of his debts.”†

When, therefore, Henry earl of Arundel arrived in England with his father’s corpse, he found the estates in trust charged with a considerable amount of additional debt, and his own interest in them already in the hands of the parliamentary Commissioners for sequestrations to answer his own delinquency; so that in addition to the impossibility of discharging his own debts, it was with difficulty he could find the means of subsistence,‡ until parliament should assess the money value of his offences, and admit him to a composition for his heavily mortgaged inheritance. But here, the shade of his christian verity appears to have obstructed an early arrangement. The earl had been prisoner since the 4th February, when, on the 23rd March, 1649, it was moved in the House of Peers,

\* Harl. MS. 6272.

† Lords’ Journals, v. x., p. 609.

‡ Tiernay, Hist. of Arundel.

"That the earl of Arundel, now in restraint in his own house, have leave to go into the country on his occasions." Whereupon it was moved as an amendment—

"That he do first take the Covenant."

And on the question; "Whether any peer under restraint shall be admitted to liberty or come out on bail or otherwise, till he has taken the Covenant, it was resolved in the negative."\*

The earl was a protestant; he was one of those six-and-forty nobles who, on the 13th June, 1642, had subscribed that solemn engagement in favor of the king, pledging themselves to "defend his majesty's person, crown and dignity, and the true protestant religion established by the law of the land." The Covenant, therefore, abjuring the prelacy, was as repugnant to him as the Pope and the hierarchy of Rome: so that we must consider the earl to have remained a prisoner in Arundel House until Saturday, the 25th November, 1648, when an ordinance was brought in for "pardon of the earl of Arundel's delinquency and discharge of his sequestration:" and it was resolved—

"That the Lords and Commons assembled in parliament do accept of six thousand pounds for pardon and in discharge of the sequestration; and do expect that the said earl shall confirm to the maintenance of the ministry all such estate he hath in the impropriation of Arundel.

"That one moiety be paid to the treasurer of the Navy, and the other moiety secured to the Navy, to be paid the last day of December next."†

In the mean time his troubles had not decreased, and in addition to the Commissioners for sequestrations the sheriffs had taken possession of his patrimonial estate; for in respect of some of those goodly manors and "liberties"—ancient grants from the Crown—there were reserved acknowledgments and fines payable at the Exchequer. These

\* Lords' Journals, v. ix., p. 96.

† Ibid., v. x., p. 609.

had not been discharged; and on the 23rd July representation was made to the House of Peers "that the earl of Arundel's lands in Norfolk, Suffolk, and other counties had been seized by the sheriffs for want of licences of alienation, and that the bailiffs had not accounted at the Exchequer for several fines and amerciaments due to the crown, —*howbeit his majesty be indebted in a great sum unto the said earl*, as the House was informed."\*

As this set off against the claims of the Crown could hardly have had reference to any voluntary assistance afforded by his father or himself to the king personally, or for his particular service in the assertion of his high prerogative, it must have had reference either to exactions by way of *loan* without the assent of parliament, which were among the grievances of the nation, or had figurative allusion to that incongruous system of government by which the parliament conducted the public affairs as a "kingdom," and administered the "king's revenue," in opposition to his majesty in arms:† in either case the parliament now

\* Lords' Journals, v. ix., p. 347. The old grievance, of depredations on the estates, was also revived, the earl representing by petition "that the Committee for Sussex do cut down his timber trees at Arundel."—Sept. 22nd.—*Ib.*

† In like manner the army under the command of the earl of Essex was directed to be raised "by authority of parliament" for the "necessary defence of the true protestant religion, the king, parliament and kingdom."—*Decl. of Parl., Dec., 1643.* In July following, John Cary, lord Hunsdon, eldest son of the earl of Devon, was accused of high treason "for adhering to the enemies of the king, parliament and kingdom, now in arms against the parliament."—*Comm. Journ., iii., 559.*

Before blood had been shed on the open field, but when the disruption was imminent, the king had said: "We are still a part of the parliament, and shall be till this well founded monarchy be turned into a democracy."—*Decl. at York; May, 1642.*

If the king had been prepared to retain that honorary position throughout the murderous struggle for supremacy, the extent of the incongruity would depend less on the assumption of regal powers of government by parliament than on the absolute dissolution of the monarchy by decapitation of the first, and the abolition of the second, estate.

acknowledged and discharged its own debt by the following ordinance :—

“That in regard the parliament hath made use of monies of the value of fifteen thousand pounds assigned by the late earl for payment of his debts, that upon payment of the six thousand pounds from the now earl of Arundel, he be discharged from the payment of any *fifth* or *twentieth* part.”\*

Such was the hopeful position of Henry Frederick earl of Arundel on the last of December, 1648, with the charges of a family that, at his death three years later, numbered eight sons, to be provided for, and two daughters to “cloister” or appportion in life. Some of the former had been sent abroad;† and the earl himself took the earliest opportunity of absenting himself from a political atmosphere, which, looming dismally in the horizon, it would have been scarcely possible for him to have breathed without suspicion, if with safety. The king, with whose fortunes he had identified his own, had suffered the fatal result of his determined struggle for absolute rule; the House of Peers had been abolished as useless and dangerous; and three of his order, involved in the royal cause, had been brought to the block;‡ when, on the 7th June, 1649, Evelyn

\* *Lords' Journals*, v. x., p. 609.

† 1648, 14th August. Ordered, that a letter be written to the lord Admiral and another to the Committee of Kent, to desire the lord Howard of Charlton, and also the sons of the earl of Arundel, may be permitted to pass into France, notwithstanding the embargo.—*Lords' Journals*, v. x.

The lord Howard of Charlton, was Charles Howard, eldest son of the venerable earl of Berkshire. He had been a companion in arms of the earl of Arundel when lord Mowbray, in the cause of the king, and was consequently assessed a “delinquent.”—*Lords' Journals*, v. viii.

‡ These were James, duke of Hamilton; Henry, earl of Holland; and Arthur, lord Capel, executed in front of Westminster Hall, the 9th March, 1648. The latter, when brought on the scaffold, with the punctilio characteristic of the cavalier, so inherent to the misfortunes of his royal master; after “looking about him with a majestic air, inquired, ‘whether the other lords had spoken with their hats on?’ and being told they were bare, he gave his hat to his servant before addressing the multitude.”

records: "I took leave of the earl and countess of Arundel, now ready to depart for France."\* In the interval of his restrained residence, however, the earl had not been unmindful of his particular interests in the arrangement of his father's private affairs; and he had taken the earliest opportunity of his return to England to make such a settlement for the future benefit of his family as the exigencies of his circumstances would permit. By certain indentures, bearing date the 21st March, 1647, he had vested his estates,—his patrimony in the hands of the sequestrators, and his reversionary inheritance expectant from his mother,—in the hands of trustees;† to the use of himself for life, and the lady Katherine his countess, for life; remainder for a term of eighty years, to raise a portion of eight thousand pounds for his daughter, the lady Katherine;‡ and as his eldest son was lunatic and never likely to marry, he made such dispositions as the cunning of his legal advisers

\* Diary, v. i., p. 281.

† The trustees were his wife's brother, James, duke of Richmond and Lennox, who died in 1655; Henry, marquess of Dorchester, son of Robert, earl of Kingston (slain in 1643,) and Gertrude Talbot, first cousin of Alatheia, countess of Arundel; Edward lord Howard of Eserick; and Sir Thomas Hatton, Knt.

James duke of Richmond was last surviving of the valiant sons of Esme, duke of Lennox; and was himself so deeply stained with delinquency, that to remove the sequestration from his estate, he was assessed at £8650. Henry Pierrepont, marquess of Dorchester, for his father's delinquency, if not for his own, was assessed at £7469. Sir Edward Howard, a younger son of Thomas earl of Suffolk, was created lord Howard of Eserick, by the influence of the Court favorite, George Villiers, first duke of Buckingham, whose niece he married. But his patron slain, and his wife dead, writes Clarendon, Eserick, "without any virtue to promote himself, withdrew from the Court; and shortly, from wishing it well, delivered himself up body and soul to be disposed by that party which appeared most adverse and obnoxious to the government."—*Hist. of the Rebellion*, v. i., 297. Severely just! Eserick joined the popular party at the commencement of the contest between king and parliament, and adopted every phase of government, with more or less advantage to himself, until the restoration. He died in 1675.

‡ The second daughter, the lady Elizabeth Howard, was not born until the year 1651.

could suggest, for vesting the inheritance of his estates for the maintenance of the family honors in his *second* son and his heirs, during the lifetime of the *first* son and any issue he might have; with a contingent interest in certain lands for his third son,\* in the event of the second succeeding to the earldom of Arundel; and other arrangements making some provision for, and recognising the interests of his other sons in succession.

The benefits of this settlement, however, were all contingent,—subordinate to the trusts of his father for the payment of debts, and to the decease of the countess dowager his mother. As to the former, his short tenure of the inheritance and the unsettled state of the country, afforded no means of redemption, and he left matters as he found them. To anticipate other resources,—to secure immediate possession of his maternal inheritance seems to have occurred to him as a ready—perhaps his only available source of revenue; and to accomplish it, the countess dowager he treated with a measure of injustice and cruelty that, happily of rare occurrence, has found no defence; and refers to the affectionate appeal of the earl, his father, on her behalf, as a necessary but unavailable admonition. The countess Alatheia was a Talbot, and, it might almost be said—consequently—of the old religion: her son, a protestant of the high church. But the difficulties of his position could furnish no valid excuse for his dishonest and rapacious conduct towards her; nor the enthusiasm of his protestant convictions any apology for his violent abuse of her religious faith.† The short period, not quite three years and a half, that Henry Frederick lord Mowbray occupied the earldom of Arundel, was spent in harrassing

\* Fourth in order of birth; but Philip Howard, the third son, having taken vows in the church of Rome, was “dead in law.”

† One of the charges circulated by the earl against his mother was, that “she had cost her husband *fifty thousand pounds* in going beyond seas to kiss the pope’s great toe.”—*Tiernay*.

litigation to wrest from the dowager countess whatever interest remained to her of the Talbot inheritance that she had brought to the house of Howard. "Since the greatest misfortune befell me," wrote the lady Alatheia, "that can happen to me in this world [the loss of the earl, her husband] I have never received one penny, directly or indirectly, either in joynture or thirds; . . . and my sonne hath beene so farre from asking anything of mee, that he hath used all meanes to take my due from mee; not suffering mee quietly to possesse anything that he conceaves may any way be disputable, though it be my inheritance."\*

"By various deeds," observes Mr. Tiernay, "the late earl had secured to his widow a life interest in many of the estates which she had inherited from her father; and by her marriage settlement she was entitled to dower out of the castle lands of Arundel. By his will he had bequeathed to her all his goods, including the whole of his collection; requiring only that she would be careful to entail the latter on his successors, to be preserved either at Arundel House or in the Castle of Arundel. The Arundel marbles had been bought principally with her money, and it was left for her to entail them: that she did not do so must be attributed solely to the undutiful and dishonest proceedings of her son.†

"Hastening from the death-bed of his father to his surviving parent, who was in Holland, the earl laid before her the assurance of his filial attachment, offered to assist in

\* Letter to the lord Andover, 14th Sept., 1648.—*Tiernay, Hist. Arundel*. The lord Andover, (by courtesy—assuming his father's second title) was Charles Howard of Charlton, son and heir of the earl of Berkshire.

† The countess appears to have relied for the performance of the trusts of the will on the direction of the executors appointed by the earl: "they," she said, "being so trusted by him, (beside the honour they are known to have) is sufficient counsel for mee to rely on; for I hope I shall never be so impious as in any way to make question of any thing that he hath left under his hand, but shall ever performe what were his desires to the uttermost of my power."—*Letter to lord Andover. Tiernay, Hist. of Arundel*.

forwarding the provisions of the will in her favour, and received as the testimony of her regard the few jewels which the necessities of herself and her departed husband had yet left at her disposal. But this last object secured, his professions and his promises were alike speedily forgotten. On his return to England his first care was to obtain possession of all evidences which could establish the claims of his mother: his next to seize her estates into his own hands, to apply the revenues to his own purposes, and to assert his title to whatever moveable property, either in England or abroad, had been collected by his deceased father. To guard against the effects of the will, he first persuaded the executors, the earls of Bath\* and Dorset,† that to prove it would be the ruin of the family;‡ and then making oath that, though required by him to fulfil their duty they had refused to act, he procured letters of administration by which the whole of their power was transferred to himself. Nor did his dishonesty terminate here. As soon as the executors discovered the fraud which had been practised, they of course hastened to vindicate their autho-

\* Henry Bouchier, last earl of the family, son of Sir George Bouchier, Knt. and Martha Howard, daughter of William lord Howard of Effingham. He died in 1645, s. p.

† The valiant Sir Edward Sackville, not less celebrated for his military services and consistent loyalty than his romantic duel with the lord Edward Bruce of Kinloss, who, determined on satisfaction to the death, fell beneath his sword, after one of the most fierce and bloody encounters on record, described by Collins from the MS. account of the survivor, preserved in the library of Queen's College, Oxford.—*Peerage*, v. i., p. 750, ed. 1756. Sir Edward was first cousin of Thomas earl of Arundel, being son of his aunt, Margaret Howard and Robert earl of Dorset. Sir Edward succeeded his brother in the earldom, and died at Dorset-House, in Fleet-street, in 1652. To each of his "right noble cousins and friends," the executors of his will, the noble testator gave "a cup of gold weighing 100<sup>li</sup> sterling."—*Harl. MS.* 6272.

‡ To have fulfilled all the desires expressed, under the circumstances of increased debt, and his son's delinquency, might have been embarrassing: "with the exception of his burial at Arundel, not any of his wishes were performed."—*Tiernay*.

rity by demanding the probate of the will; but Arundel was ready to oppose the application; and he who only a few days before had declared that instrument to be the true will and testament of his father, now asserted in the same solemn manner that it was a forgery, and that he should shortly be enabled to produce a more authentic record of his parent's intentions. The startling effect of this contradiction may be easily conceived. The earl, however, had his friends among the judges: the positive testimony of his brother, the lord Stafford, and of numerous other witnesses to the authenticity of the will, was evaded by an appeal to the court of delegates: delay succeeded delay: commission after commission was dispatched to seek for evidence through half the countries of Europe; and no device was omitted for prolonging a suit, of which it was hoped his mother, 'being an old woman,' would never live to see the termination.

"In the mean time Arundel continued to enjoy the property which he had seized; and the disgrace of the proceeding was not more revolting than the means adopted to force her to an abandonment of her claims. Not content with placing spies about her agents, with assaulting some, threatening others, and arresting more than one on groundless charges of disaffection to the government, the earl could even denounce his own mother as a popish recusant, for the sake of inflicting a fine on the little property she possessed,\* and endeavoured to persuade the creditors of

\* On the 31st March, 1648, a petition was presented to the peers in parliament from the lady Alatheia, countess dowager of Arundel, shewing "that she going beyond seas with leave of the parliament, since her husband's death, the Committee of Derbyshire hath sequestered the manor and rectory of Glossop in that county, upon a bare suspicion of recusancy;" when, in regard the Committee for sequestrations was not then sitting, it was ordered, that the rents of the said manor and rectory be kept in the hands of the tenants.—*Lords' Journ.*, v. x., p. 165. "The earl of Arundel," says Mr. Tiernay, "offered Mr. Thorpe, minister, two hundred pounds, and other sums to others, to continue her estate under sequestration."—*Hist. Arundel*.

his late father to proceed against her for the very debts which he prevented the trustees from liquidating. To render this advice the more plausible, he hesitated not to assail her character with the most shameful accusations. He declared that she had obtained the whole personal property of her deceased husband: he pretended that she was asserting a claim to all the estate of the earldom; and he publicly charged her with having embezzled jewels and other valuable effects to the amount of no less than two hundred thousand pounds.\* His very servants and domestics were encouraged to speak of her in terms which might put human nature to the blush,† whilst he himself, as if to add insult to injury, continued by his agents and his letters


\* In 1643, the personal estate of the absent earl had been seized by the parliament; and on the 6th September, on reading "the petition of William Marsh, gentleman to the right honorable the earl of Arundel, having charge of his houses and goods therein in his lordship's absence beyond seas," it was ordered, "That the plate, money, jewels, and other goods seized at the duke's place in Norwich, at Kenninghall-place or any other of his lordship's houses in Norfolk or Norwich, do remain in the hands of Sir Thomas Woodhouse, Knt., and not removed out of his custody till it be examined by the Committee of Sequestrations of Lords and Commons whether they belong to the earl of Arundel or to the lord Mowbray, or to any one else."—*Commons' Journals*, v. iii., p. 231. On the 19th March following it was ordered "That the jewels of the earl of Arundel now deposited with Sir Thomas Woodhouse be forthwith sent up to this House; and that the consideration of the property of those jewels be referred to the Committee of the Western gentlemen to examine unto whom they do properly belong, and out of the proceeds thereof, if they shall prove sequestrable, that the arms engaged for by Sir Arthur Heselrig, be paid."—*Ib.*, p. 432. If they escaped the necessities of the State at this time, it is questionable if they would have been allowed passport abroad, since there was an ordinance against the export of treasure. But in reply to the accusation of her son, it was stated, on the part of the countess, that in the retirement abroad of the earl and herself,—out of a revenue of fifteen thousand pounds per annum, the earl received from his agents in England less than £500 a year; and that they had been compelled to sell and pawn their jewels for the mere purposes of subsistence (*Case of the Countess.*)—*Tiernay, Hist. of Arundel*, p. 479.

† "It was said amongst them that the countess of Arundel, her old rotten carcase should never enjoy the estate of Sheffield."—*Ib.*

to upbraid her with the injustice of her pretensions, to extol his own peaceful disposition, and to signalize his filial attachment by reviling the memory of his father.

"With the same mockery of duty and conciliation which had hitherto distinguished his professions, his endeavours were still unceasingly employed in calumniating his aged parent; the slander was transmitted as an inheritance to his children; his agents were employed to propagate it among their acquaintance, and Junius,\* Evelyn† and others were taught to join in the invectives and perpetuate the tale of falsehood in their writings.

"Though at the end of three years vexatious delay the solemn sentence of the court of delegates affirmed the validity of his father's will; yet the property that will con-

\* Francis Junius, the well-known author of the *Etymologicon Anglicanum*, sometime librarian to the earl, and tutor in the family. "He had the care of my sonne Stafford first," wrote the countess; "next was chosen by my lord for the teaching of my grandchildren."—*Letter to the lord Andover*. Having been fostered and trusted by the earl for thirty years, the countess employed him in her affairs. Was he ungrateful enough to play her false in her distress?  *Tiernay*, p. 509.

† John Evelyn, of Wotton, author of "*Sylva*" and other works. "That great lover of antiquities, Thomas, earl of Arundel," wrote *the friend of the family*, "had a very rich collection, as well of medals as other intaglios, belonging to the cabinet he purchased of Daniel Nice, at the cost of £10,000, which, with innumerable other rarities, have been scattered and squandered away by his countess when she got that treasure to Amsterdam, whilst my lord was in Italy, where he died."—*Diary*, v. iii., p. 300. 8vo. ed.

As the "slander" refers to a period of time while the earl was yet living, the actions of the countess, always regulated by the most affectionate deference to the will of her lord, were entirely under his control; and if any of the rarities had been disposed of, doubtless it must have been a reluctant sacrifice to meet pressing wants. By his own account, however, she did not "squander" the whole collection; for "*abundance of them*," continues Evelyn, "she bestowed on the late unhappy viscount Stafford, her beloved son." The remainder passed to her undutiful heir, or came to the possession of her grandson, Henry duke of Norfolk; and Evelyn gives this account of them: "Such as remained," he adds, "Lely, Wright, and the rest of the painters, panders and misses, have cheated the late duke of Norfolk of." Perhaps he had forgotten for the moment, that he had himself been the recipient of at least *one* "fair onyx set in gold."—*Diary*, v. i., p. 333.

ferred on his mother he continued to withhold; and his parent who had brought an annual revenue of more than thirty thousand pounds, was left with a few hundreds, to consume the declining years of her life in anxiety and sorrow.”\*

“To a man,” adds the same writer, “who calculates against the chances of mortality; who measures his life against his designs, and regards the contingencies of the future with the same eye with which he surveys the realities of the present, how seldom does it happen that his views are realized or that his expectations are not blighted by disappointment!”

Such was the folly—such the criminal hallucination of Henry Frederick, earl of Arundel. Calculating on the strength of his manhood for a length of days, and rejoicing in the prospect of his heirship to the little property that had escaped his grasp,—he was overtaken by the Almighty hand he had invoked on his unoffending parent. In the depth of his career of wrong the destroying angel swept over Arundel-House and summoned him to his last account, in the forty-fourth year of his age; leaving his persecuted mother, the once wealthy “heiress of Hallamshire,” to mourn her hapless fate; and in her own gentle language, to “pray God to forgive his unnatural carriage towards her.”†

The prowess of the warrior or the wisdom of the patriot, it is truly said, afford but an uncertain index to the qualities of the man; and the loyalty which more than once shed a lustre on the subject, is not always united with the piety which should distinguish the character of the son. Of this truth the conduct of the earl of Arundel affords a melancholy illustration.‡ “If a man,” saith the poet of all

\* Hist. of Arundel; and the authorities cited therein.

† Letter to the lord Andover. The earl died 17th April, 1652. The countess outlived her son rather over two years; and died at Amsterdam, June 3rd, 1654.

‡ Tiernay.

time, "erect not his own tomb ere he die, he shall live no longer in monument than the bell rings and the widow weeps." Such was the monument that Arundel erected for himself in the hearts of men. To the outer world and future time he otherwise addressed himself: "impartial history," adopting his own motto, *droit et avant*, knows him only as the graceful cavalier clad in complete steel, painted by Van Dyk!

Lamentable as had been the condition of the Arundel Howards at the accession of the late earl, still more lamentable was their position at his decease. His family, numerous and several of them of tender years, would probably of necessity be dispersed; the estates were still more deeply involved in debt—in the opinion of *the friend of the family*—beyond redemption; and the general aspect of the nation was nothing hopeful for the improvement of the property or the prosperity of a race—half Stuart, and at once romish and regal in its religious faith and political associations; for although the deceased earl had professed the reformed principles of the protestant church, his children, educated under the charge of their grand-parents, of one heart but two creeds,\* were either early instructed in, or relapsed to the church of Rome; and some of them in after years became advocates as firm and prominent of the papal doctrine as their parent had been of its abjuration. It was

\* Clarendon expressed an opinion that Thomas earl of Arundel "was rather thought not to be much concerned for religion than to incline to this or that party of any."—*Hist. of the Rebellion*. But the grief the earl expressed at the defection of one of his grand-children, educated under his charge, to the church of Rome (*Evelyn, Diary*, v. i., p. 218); is sufficient to correct a supposition of indifference to error or truth; and the declaration of faith in his will must remove any doubt of his unconcern for religion. "Prostrate before God," the earl concludes, "I beseeche Him to besse all my family, and to give it strength and virtuous subsistence; and to have mercy on my sinful soul. Amen."—*Harl. MS.* 6272. The austere and stately earl, who "knew and kept his distance towards his sovereign; and expected no less from his inferiors;" was scantily to be judged in his private thoughts by a surmise, even of his peers.

probably with a conviction of this general ruin and dispersion, as a record for future time, that a long inscription in the universal tongue was engraven and affixed on the coffin of the deceased earl, to be deposited at Arundel,\* stating not only the date of his decease and exact age to a day, but the particulars of his marriage and the names of his ten surviving children: a record of facts, as to the latter, so far important that it has been referred to in the present century to correct a misstatement of the seniority of their birth; and points to the derivation of all the ducal Howards to the present day.

The estates, it appeared all but certain, must come to absolute sale: and Evelyn had a "singular inclination" to possess the favorite retreat of his much honored friend and patron. Henry earl of Arundel had deceased eight days only when Evelyn, taking time by the forelock, thus addressed his intimate, Edward Thurland,† one of the trustees for sale:—" . . . . . the favor which (I am assured) you may do your servant is, promoting his singular inclination for Albury, in case (*as I am confident it will*) *that seat be exposed to sale*. I know you are potent, and may do much herein; and I shall eternally acknowledge to have derived from you all the favour and success, which I augur to myself from your friendship and assistance: it being now in your power to fix a wanderer, oblige all my relations, and, by one integral cause, render me your's for ever. I suppose the place will invite many candidates, but my money is good, and it will be the sole and greatest obligation that it shall ever be in your power to do for, dear lawyer, Your, &c."‡

\* It has been copied by Mr. Tiernay.—*Hist. of Arundel*, p. 603.

† Afterwards Sir Edward, and baron of the Exchequer. At the date of this letter, Mr. Thurland was the legal adviser of the writer and Steward of his Courts.—*Diary*, v. ii., p. 101.

‡ Dated London, 25th April, 1652.—*Diary and Correspondence*, v. iii., p. 63.

The manor of Albury, near Guildford, in Surrey, parcel of the estate of the second lord Bray, on his decease, passed to one of his coheiresses, and after several transfers was mortgaged to George Duncombe, esq., of Weston, in the same parish; who, in 1637, joined in a conveyance (subject to the payment of a large part of the purchase money,) to certain persons, of whom Richard Evelyn, esq.\* was one, in trust for Thomas earl of Arundel. He, with his usual expansion of ideas, here contemplated the erection of a new church, with a chapel for the Howard family; and a foundation for the improvement of medical science and relief of the sick poor;† but the purchase money of the estate remaining unpaid, when the earl went abroad, in 1641, the mortgagee again took possession;‡ and in the apparent wreck of the Howard family, on the death of his successor, its transfer to other hands might not have been improbable. The confidence of Evelyn, however, in this respect was misplaced, and his singular inclination doomed to early disappointment; for a new actor, having other interests, came to bustle on the scene, who, with a resolute determination to meet and buffet with all opposition, looked on difficulties complaisantly as obstacles to be overcome; and

\* Father of John Evelyn, mentioned in the text. The other trustees were Sir F. Stydolf and Sir R. Onslow.

† Will of Thomas earl of Arundel. "I desire also that some house might bee built upon our ground neere the church-yard of Alebury, where six honest unmarried men might bee honestly and well fedd and cladd, and have good com'oditie of bookes to study with, and convenient roomes to make all distillations, phisickes and surgerie, to bee given for ever to the poore for charitie, and no money to be taken for it: for the number of six I name in gratitude to Almighty God who gave six sonnes to my deare wife and mee: and I desire either the parsonage of Finchingfield in Essex, where I was borne, may be employed to that use, or some other land worth at least £200 per annum, may be assured to that use, for I would by no meanes have them to live upon pensions. I would have all their cloathes ash-coloured: as also I could wish (if it might bee) those of my family might mourne for mee solely in ash-colour, in respect of the colour of ashes, into which my fleshe is to dissolve."—*Harl. MS.* 6272.

‡ Manning and Bray; *Hist. of Surrey*, v. ii., p. 124.

to a future hopefully, when he might say, with the aspiring Gloucester :—

Now is the winter of our discontent  
Displaced by glorious summer; and the clouds  
That low'd upon the fortunes of our house,  
Deep in the bosom of the ocean buried.

—Mr. Henry Howard—if not earlier, at this time made his bow to the Commonwealth of England, in a new character, with some voice in the affairs of his family; and turning his immediate regard to the favored Surrey retreat of his grandfather, he so arranged the finances at his command that in the following year, 1653, he redeemed the mortgage and completed the purchase with the grandsons of the Duncombe before mentioned.\* The predilections of his grandfather were even further developed, although not exactly in the same direction; and in place of the structure of the church with whose worship he held no communion, his attention was early directed to the adaptation of the estate to his advancing desires. The Evelyns were employed to exercise their known talent for improvement. In 1655, “I went to Albury,” writes John Evelyn, “to visit Mr. Howard, who had begun to build and alter the garden much.”† The old timber manor house was enlarged, and the park and grounds laid out in more approved fashion. The “great room” in the mansion was the design of Capt. George Evelyn, the “great traveller” and amateur architect;‡ and his relative, the author of “Sylva,” disappointed

\* Manning and Bray, *ut antea*.

† August 10th.—*Diary*, v. i., p. 308. Here he found some of the rarities collected by the earl of Arundel, the dispersion of which he elsewhere so captiously deplored. “Mr. Howard showed me,” adds Evelyn, “many rare pictures, particularly the Moor on horseback, Erasmus as big as the life, by Holbein; a Madonna in miniature, by Oliver; but above all, the skull carved in wood, by Albert Durer, for which his father had been offered one hundred pounds; also Albert’s head, by himself, with divers rare agates, intaglios, and other curiosities.”

‡ Son of Sir John Evelyn, of Godstone. “He has a mind,” wrote his kinsman, “but overbuilt everything.”—*Diary*, v. i., p. 249. An admirable

of the ownership, had the gratification of exercising his genius in the artificial arrangement of the grounds. He designed the canal and garden, with a *crypta* through the mountain in the park; "such a *pausilippe*," he exultingly exclaims, "is nowhere in England!"\* The vineyard occupied twelve acres. The canal was to be a quarter of a mile in length and sixty feet in width, supplied with water from the Tillingbourne; and a raised walk along its banks, planted with yew trees, gave the distant prospective idea of a sombre and stately promenade! But the execution of these grand designs, though for the most part accomplished under the superintendence of the celebrated projector, at no inconsiderable cost to the proprietor, was a work of years:† and the narrative must revert to the time when the deceased Henry earl of Arundel was resting at Albury on his last journey to Arundel, and Evelyn was expressing to his friend the trustee, the singular inclination he entertained for the estate.

Under the settlement of 1647, Mr. Henry Howard be-

engraving, by *Van der Gucht*, of the old manor-house, before it was "improved," will be found in *Manning and Bray, Hist. Surrey, v. ii., p. 124.*

\* *Diary, v. ii., p. 52.*

† September 21st, 1667, Evelyn records, "I accompanied Mr. Howard to his villa at Albury, where I designed for him the plot of his canal and garden, with a crypt through the hill."—*Diary, v. ii., p. 29.* The labour was great and the progress slow: four years later, Evelyn notes: "I went to Albury to see how the garden proceeded, which I found exactly done to the design and plot I had made, with the crypt through the mountain in the park, thirty perches in length. The canal is now digging and the vineyard planted."—*Ib., v. ii., p. 52.* The crypt, constructed of ample dimensions, was designed, it is said, as an approach to the mansion; but "a rock near the end" stopped the way.

In the succeeding generation, Albury passed from the Howards to that celebrated lawyer Heneage Finch, afterwards earl of Ailsford. On the 5th August, 1687, Evelyn gave a last glance at this paradise of his creation, and found the garden "nothing improved." He had himself passed away ere the canal—a stagnant ditch—was again converted into dry land; and his famous *pausilippe*—out of taste—had become in estimation a dank and dismal *cul de sac*.

came heir of designation to the wealth of the earldom during the lifetime of his elder brother, and he, with the concurrence of the trustees, forthwith exercised all the rights of heir-at-law. It could only have been in such a representative capacity that he made an application to parliament, with some claims, apparently in respect of his father's delinquency; and on the 12th January, 165 $\frac{2}{3}$ , the question was propounded "that the Commissioners for removing obstructions be empowered, notwithstanding the lapse of time, to admit the claim of Henry Howard, esq., and thereupon to examine and determine the same, as by the Act they are empowered to do in cases of claim brought within the time." But whatever the nature of the claim the motion was negatived;\* and within a very short period occurred that bloodless *coup d'état* which placed it out of the power of the supreme assembly that so long had ruled the nation, to reconsider the question in any other shape; for on the 20th April, General Cromwell and his officers embodied that celebrated *tableau* of history—the dissolution of the Long Parliament, by the forcible removal of "the fool's bauble,"—emblem of its power and authority,† from the

\* Comm. Journ., v. vii., p. 246. In the several acts of forfeiture against delinquents passed in the Long Parliament, a clause was inserted saving the rights of heirs, reversioners, and other persons interested, whose rights accrued before the 20th May, 1642, provided persons so interested should make their claim within a time limited by the Acts, to certain "Commissioners for removing obstructions" therein appointed.—*Scobell*.

On the 20th May, 1642, the parliament passed the resolution, "That it appears that the king, seduced by wicked counsel, intends to make war against the parliament;" and "That whosoever shall serve or assist him in such wars, are traitors by the fundamental laws of this kingdom."—*Parl. Hist.*, v. xi., p. 1. The 20th May, therefore, drew a line that distinguished the traitor from the true man; until the 29th May interchanged the appellation.

† In like manner when the imperious Charles attempted the arrest of the five members, and the House was informed "that Mr. Francis, the king's sergeant-at-arms, was at the door, having command to deliver a message demanding the five accused, Mr. Francis was not permitted to enter *until he had laid aside his mace*."—*A Chapter of Engl. Hist. re-written by John*

possession of its official organ. The "seraphical and sanctified" convention called to replace the deposed power, and known in derision, from the name of one of its most fanatical members, as "*Barebone's parliament*,"\* after a short reign of six months, fell into well merited contempt and died of inanition. If a tyranny supplanted an expiring democracy, it was but the natural revulsion of exhausted elements, which, in all time, has been the result of violent outbursts of ill regulated zeal. On this occasion, a master-mind, with a powerful resolve to reduce every other faction to the subjection of one, and that the most powerful and despotic,—in some sort to effect a bond of unity by force, was the only alternative: and the time produced the man. "Oliver Cromwell, captain-general of all the forces in England, Scotland, and Ireland," was, by his confederates, invested with supreme power and the title of Protector; who, by his oath, undertook to administer the executive authority in conformity with the terms of a document intitled the "Instrument of Government," the advice of a Council of State,† and a Commons House of Parliament. In the height of his power, when he commanded the homage of the world, well might this brave and fortunate soldier have declared: "*l'on ne montoit jamais si haut, que quand on ne scait où l'on va.*"‡ Did

*Forster*, 1860. The power of the mace was the subject of an occasional pamphlet by the present writer, entitled *Precedents on Privilege*; 8vo. 1840.

\* Praise God Barebone, the pious leatherseller, a representative summoned (not elected) for the city of London; who preached himself into a place of £300 a year, as Comptroller of the Treasury of Sequestrations. His house, the "Lock and Key," near to Fetter-lane in Fleet-street, was burnt down in the "great dismal fire;" and, when upwards of eighty years of age, he was still living in the parish of St. Andrew, Holborn.—*Add. MS. in B. M.*, 5070, fo. 28.

† The Council of State relieved the executive power from judicial labour. Suits and Petitions to the Protector were usually referred to it in these terms: "Oliver P. does referr this Petie'on to our Counsell."

‡ Cromwell, on his elevation, to Monsieur de Bellievre, ambassador of France.—*De Retz, Mem.*, t. iii., 385.

he know whither he was going, or was it his mature and experienced conviction of the fallacy of democratic rule, in the disorganized institutions he saw around him, that afterwards induced him to add to his method of government that "other house" which seemed the natural precursor of the old *régime* of three estates, restored by its disunited enemies, a few years later, with so much *éclat*?

The Protector had more than one Howard in his train of followers—if not his friends;\* and the Arundel Howards, whether for business, pleasure, political intelligence or personal safety by disarming suspicion or distrust, appear, like others of their kin, to have haunted the precincts of the Protector's Court: nor was a cautious policy ever more necessary to safety than under his absolute rule; for though he treated with contempt the many "fiddling" designs for his personal destruction, the elevation of the General to dominant power gave satisfaction to none but his own important faction, and not to all sectaries of which that incoherent mass was composed. The royalists, at the same time were disconcerted by the talent for government which he displayed, the wisdom of his foreign politics, and the apparent strength and probable endurance of the usurped power. Plots of doubtful origin, that exhibited nothing so much as an infirmity of purpose, were not wanting to cut down at one blow the invincible commander whose wisdom

\* Col. Charles Howard, the correspondent of Cromwell (*Thurloe, State Papers, passim*) governor of Newcastle, and one of Lambert's deputy major-generals for the northern district, was member of the parliaments during the commonwealth; and accepting peerage rank at the hands of the Protector, sat in his "other house" by the title of viscount Morpeth.

Sir William Howard, the famous anabaptist preacher, was sometime a member of Cromwell's life-guard. Capt. George Howard volunteered for service in Ireland, with small personal advantage; and the lord Howard of Escrick, on the abolition of the House of Peers as a useless body,—(a *constitutional* maxim (!) revived by the levellers of our own day)—was contented to accept a seat in the Commons as Burgess for Carlisle; sat on all Committees; and was appointed one of the Commissioners of the Great Seal of the Commonwealth of England.

and energy the lord Chancellor Hyde prayed might not prove hereditary;\* and sinister designs, it is to be feared, were sometimes *improvised* for the removal of suspected enemies dangerous to the established rule, or to afford terrible example to malignants throughout the land.

The same year that witnessed the inauguration of the Protectorate, also endured a concerted rising in several parts of England for the establishment of the kingly power; and suspected persons, to the number of sixty, were also not long afterwards apprehended for complicity in alleged plots for the assassination of his highness the supreme head of the State. For participation in one of these alleged plots, Mr. John Gerard, of a loyal family, a connection of the Howards,† was brought before the High Court of Justice erected for the trial of persons accused of “holding correspondence with Charles Stuart, and for having a design against the life of the Protector;” and being convicted, on his own confession of a personal interview with the king, at Paris, and on the evidence of others that he had been present at a tavern when certain wild schemes had arisen

\* Clarendon's Letters, v. iii., p. 422.

† Mr. John Gerard was a young officer, who had held the rank of ensign in the royal army, and at the time of his execution was about twenty-two years of age. With his brothers, Ratcliff and Gilbert, he had seen service at Edgehill and some subsequent engagements. Gilbert, in after years, received a late acknowledgment of his loyalty in a baronetcy conferred in 1666. The father of these gallant sons, lieut.-col. Ratcliff Gerard, and his brother, Sir Gilbert Gerard, also served the king at the battle of Worcester.

Of this devoted family, three cousins of the unfortunate sufferer nobly shared the dangers of the royal cause: Sir Gilbert Gerard was slain at Ludlow; Col. Edward Gerard was severely wounded at the first battle of Newbury; and their elder brother, Col. Charles Gerard, after receiving an almost fatal wound at Edgehill; foremost in the breach, was again wounded at the desperate assault of Lichfield close. For these gallant services Charles Gerard was honored with the title of lord Gerard of Brandon, and, after the restoration, with those of viscount Brandon and earl of Macclesfield.

The Gerards and the Howards of Arundel were connected by intermarriage with daughters of the noble house of Somerset, earl of Worcester.—*Banks, Dorm. and Ext. Peerage*, v. iii.

from the fumes of the tankard, he was brought to the block on Tower-hill, the 10th July, 1654.\*

A civil broil that about the same time engaged the attention of the world,—although the circumstance has escaped the notice of history,—was intimately associated with a personal affront that the blood of the Howards could ill brook, and terminated with the decapitation on the same block with Mr. John Gerard, of no less a personage than the don Pantaleo de Sà e Menesis, brother of the ambassador from the Court of Portugal, on a special mission of homage and peace to the protectorate of England.†

On Monday, the 21st November, 1653, the ambassador, with his brother (a young gentleman about nineteen years of age) and suite,—as “they were wont to do, in order to gain and increase love and acquaintance with the English gentlemen,”‡ proceeded to take the air in that fashionable

\* On the same day, Mr. Vowell, a schoolmaster of Islington, a person “entirely unknown to the king’s friends,” for the same offence, was hanged at Charing-Cross. It was part of the alleged design that Tom (or Colonel) Henshaw “who hatched the plot,” but escaped its consequences, should fall upon the soldiers in the Meuse, while they were at nine-pins; and that Mr. Billingsley, the butcher, of Smithfield, (who was fortunate enough to get out of the way,) should fall on the Protector’s house at Islington. Henshaw, with Tuedore, the apothecary, and several others, were then “to seize on the tower, and go on with their work.” Gerard indignantly asked a witness who affected to divulge the plot: “How all this should be done with a company of geese?”—*State Trials*, v. v. As evidence of offensive or defensive intentions, Gerard was found possessed of “a pistol that would discharge three several times.” On the scaffold, he told the people “The plot is said to have been hatched in France, but I fear the nest was at Whitehall.”—“Alas! poor England,” he exclaimed, “When will all these black days be over? When will there be blood enough! I wish mine may fill the measure. Dear countrymen! I pray God to bless you all, and this whole nation. Fare you well!”

† The embassy (a splendid affair) arrived in England a few months before, and was lodged at Berkshire House.—*Thurloe*, v. ii., p. 347.

‡ Don Pantaleon’s Narrative of the late accident at the New Exchange. Addressed to his much esteemed Nobility of England, and all of the beloved and famous city of London. Dated from Newgate prison, Dec. 8, 1653.—*Harl. Miscell.*, v. iii., f<sup>o</sup>. 285. A bad translation of an interesting document.

lounge, the new Exchange in the Strand; and conversing together on English affairs in the French language, were overheard and contradicted by Col. Gerard,—the same Gerard, (to quote Clarendon,) “whom we have now left without his head;” and the lie being given in a way that left no other remedy possible to men of honor, a “meeting” was likely to have been the consequence; but anger growing hot, weapons were drawn on the spot (though it does not appear that the don had any),\*—and Col. Gerard received a stab in the shoulder from some one, it was supposed, in attendance on the don, in defence of his master:† at the same time Mr. Thomas Howard, who was probably

\* As we two thus hand in hand discoursed, behold, on a sudden, an English gentleman obtrudes himself between us with great violence. I regarded not this until I heard that party and my companion at variance. At this, though I understood little, yet I very much resented it, because I wished nothing of scandal attempted where I might have anything to do. This was my mind then, as those will easily believe, who behold me with an impartial eye. But, what? Out of hand, the gentleman casteth at me most contumelious words, repeating them twice or thrice, in the French tongue, against me alone, who had not offended him. . . . . I pray what flesh alive, in these conjunctures, could have contained himself from taking a just revenge? Let any one speak whether he could have patiently taken the like injurious words from me? If not, why should it be my charge and only blame, not to have been so patient as to hold my hands without repelling him, making at me in so scurvy a manner? It is true I then rushed upon him; yet naked as I was, without either sword or any weapon that could do him the hurt he in that meeting received. Here quickly, a world of English crowded around me, by whom I was unkindly, yea, harshly abused, and, by naked swords drawn against my life, compelled to withdraw myself thence as I could, especially perceiving none there so favorable as would either speak or stand in my behalf.

I was not a little afflicted, and tenderly felt what was acted against me, a gentleman, a stranger, and innocent, if I had been rightly understood; against whom none in my own country dared have attempted so much, if not for the honor of my deportment, at least for the respect and duty of my birth.—*Don Pantaleon's Narrative.*

† I am sorry that the gentleman, the cause of all this, should have been wounded, and if any of my followers did it, I am the more sorry, although it were done in my defence; but I call God to witness I had not so much as a pin in my hand then by which I could in the least harm him.—*Id.*

in the company of Gerard, had his honor sorely wounded. Of the other party, it is only stated that "one of the Portugals had a cut on the cheek."\*

Later in the evening, we are told, the Portugals returned in force,—some twenty in number,—and would have quarrelled with any one; but meeting none with whom to quarrel, they returned as they came. But on the following day,† states the "Relation," came again the ambassador, his brother, and *two* knights of Malta, with about fifty Portugals, led by a Portugal in buff, whom they called captain; they had generally double arms, all or most of them having swords and pistols; and were encased in coats of mail or armour to preserve their bodies from wounds.

Attending them were "two or three coaches that brought ammunition, hand grenades and bottles, and some little barrels of powder and bullets, and other accessories, if occasion was."‡ To aid their escape, if need required,

\* A Relation of the Meeting on Tuesday, the 22nd November, 1653, in the new Exchange, in the Strand, of the Portuguese Ambassador's followers.—*Lord Somers' Tracts*, v. vi., p. 252. Besides divers Portuguese gentlemen who were abused, the gentleman whose wound was complained so much of, assisted by many others, meeting a Portuguese gentleman ignorant of what had passed, rushed on him, and, with a blow in the face, wanted little to put out one of his eyes.—*Don Pantaleon's Narrative*. *Harl. Miscell.*, v. iii.

† Sure that all this proceeded from some few ill affected persons, the following day I esteemed it superfluous to look to myself more than usually; remembering how all English, and particularly gentlemen, are, and have always been loved and honored in my country, where Portugal against Portugal would have boldly and laudably stood for any stranger in such a *rencontre*. Upon these considerations I came the next night to the Exchange, with a far other intent than I am accused of. I myself brought no arms at all, nor any of those that entered with me. This I did on purpose, persuading myself with sweet and civil language, and my unarmed habit of both mind and body, to appease and moderate those that by chance might be there unsatisfied by reason of the mistake happening the night before. I call God to witness, who searcheth the secrets of hearts, and appeal also to all English gentlemen there to argue me, if hitherto I flinch from the truth.—*Ib.*

‡ A Relation, &c.—*Lord Somers' Tracts*, v. vi. The Exchange Merchants have asserted many things wholly unknown to me, against me and

boats also were ready prepared, conveniently at the river's side.

In this guise, armed to the teeth, entering the Exchange fifty strong, "led by the captain in buff, all with drawn swords, and in so imperious a manner, as if they intended to kill every one before them,"—no wonder if mischief ensued.

Thus far the published "Relation;\*" but a more probable narrative is found in the "Examination of Mr. William Metham,† of Metham, in the county of York, gentleman, taken the 8th April, 1654, before two justices of the peace for the city of London, by virtue of an order of his highness the Protector and Council," dated the previous day.‡

Mr. Metham's account varies somewhat from the florid evidence that convicted several unhappy persons then in prison awaiting trial for participation in the broil. He stated that on Tuesday, the 22nd November, on his way towards St. James's, he met the Portuguese ambassador's coach about Pall Mall, coming towards the Exchange; and don Pantaleon being in the coach, called to examine and invited him to enter. There he found a knight of Malta, the lord of Byone, and some others, whose names, being Portuguese, he knew not: and coming to the new Exchange,§ one Mr. Philip Howard|| came to examine,

ours. Let none, I pray, be so much our enemy, as to exaggerate our crime above truth; but let all favour us for our former affection rather than hate us for this present event.—*Don Pantaleon's Narrative.*

\* Lord Somers' Tracts, v. vi., p. 252.

† Mr. William Metham had been to Portugal, and by his own statement was "sufficiently experienced in Portugues humours." He afterwards travelled to Rome and other foreign parts; and corresponded with Secretary Thurloe under his own, and secretly under the assumed name of Andrew Briant.—*State Papers*, v. v.

‡ Thurloe, *State Papers*, v. ii., p. 223.

§ Coming therefore to the Exchange . . . . . I walked with a certain gentleman newly arrived from Portugal, who assured me of the civilities he enjoyed among my countrymen.—*Don Pantaleon's Narrative.*

|| Probably brother of Mr. Thomas Howard, after mentioned.

and desired him to persuade the said Portuguese to go off the Exchange, for that there were some above that did stay for them. And examine speaking to don Pantaleon to the same effect, the don replied, that he had no arms and would offend none, and he did believe none would offend him; there being but four Portuguese there together at the same time, none of them having any arms. And that after the said Portuguese had staid there in the Lower Exchange for some little time, they went up into the upper part of the said Exchange; and being there, one Mr. Thomas Howard\* came to said don Pantaleon and demanded satisfaction for an affront offered the night before;† and examine persuading the said Mr. Howard to be satisfied, the said Howard did cease to speak or act anything else, as examine did see; but immediately upon this the shopkeepers began to make a noise with shutting up their shops; and that during the time of discourse between don Pantaleon and Mr. Howard and examine, there was a pistol shot off about the west end of the Exchange;‡ and thereupon examine did depart, and did not see any Por-

\* Probably son of Sir William and brother of Charles Howard of Gilsland, viscount Morpeth of the Protector's creation. "An absolute gentleman, full of most excellent differences, of very soft society, and great showing: indeed to speak feelingly of him, the card or calendar of gentry—I mean, Sir, for his weapon." As principal and second, Mr. Thomas Howard will hereafter verify the extolment.

† The unhappy Portuguese gentleman called upon Howard to bear testimony of his truth: "Let here that English gentleman speak, if he will honor and befriend me so far in these my straits; for he must needs call to mind how I then carried myself. He first expostulated quietly with me for what befel the night before; to whom I replied in all meekness and civility, 'That I was ready, if need were, to satisfy him and all the English gentry as was fit for me to do and them to demand.' This also I added, and desired 'That none should so mistake me as to esteem it any injury, contempt or quarrel to them all; for indeed the Portugal gentry can neither presume nor wish to contest with the English, from whom they seek and desire a firm and stable peace and union.'"—*Don Pantaleon's Narrative*.

‡ While these things were carried on, behold, all the Englishmen with

tuguese, save only those aforesaid, before the said pistol was fired; but afterwards he saw divers Englishmen with their swords drawn, and divers black men also with their swords drawn, who he conceived may have been Portuguese:\* but what were the particular passages there after that time examine knew not; neither did he know or hear of any design or appointment by the said Portuguese to meet there that night to injure or affront any persons whatsoever.†

Whitelock‡ relates, that some of the Portuguese meeting with Col. Mayo, whom they mistook for “Mr. Anthuser,” who had on the previous day drawn in defence of his countryman and separated the combatants, a desperate encounter ensued;§ and in the *mêlée*, Mr. Greenway, a gentleman of Gray’s Inn (son of the lady Greenway), who was there accompanying two ladies—his sister and his *fiancée*,—was accidentally killed by a pistol shot; but by whom fired

great noise shut up their shops, which I will not interpret to any ill intention against my person; for both I, in French, and divers English gentlemen, cried out aloud, “What is this business? What needs all this? Nevertheless no Portuguese did hitherto endeavour any hostility at all, until a pistol was discharged. Unhappy man, whose shot that was! whether English or Portuguese: and I am sorry from the bottom of my heart that my people should so love me (for the fear they conceived of me) to have *made way through that throng to seek me*. I am sorry, I say, because on both sides blood was shed in that confusion.—*Don Pantaleon’s Narrative*.

\* I slighted those who had bragged that no Portuguese should dare to return and expatiate there again. I stood not at all in awe of those threats which I was informed of; but some of our domestics followed me of their own accord (apprehending some danger on my behalf,) so to assist me if need were, but only in a defensive way: they were certainly in too great number and had too many arms; yet would not have attempted anything if I should enjoy quietly my accustomed walk.—*Ib*.

† Thurloe, State Papers, v. ii., p. 223.

‡ Memorials, p. 569.

§ Whitelock says, Col. Mayo received seven dangerous wounds. The *Relation*, describing his valiant defence, adds, that “he had twelve on him at once, yet drew his sword and fought with them as long as he was able to hold sword in hand.”—*Lord Somers’ Tracts*, v. vi., p. 252.

none could truly say.\* The "Relation, &c.," before quoted, adds, that "Mr. Thomas Howard and several other persons were wounded *passing by*."†

For the offence of having been present on this occasion several persons were found guilty of murder and felony; and the Protector has been charged with exceeding his powers under the "Instrument of Government," in shewing mercy to any.‡ The offended laws of his country demanded exemplary punishment,—the Protectorate an exercise of fearless authority, that should command the awe of foreign powers;—"justice must be satisfied:"—and Cromwell, as though to divide, in some sort, the punishment of the offence between the two nations, selected two victims—criminals of the highest and the lowest rank, as a sacrifice, less in satisfaction of the laws of social life, daily outraged, than as a peace offering to popular prejudices, and a daring example of absolute will: a poor Irish youth, in the service of the Portuguese embassy, hanged at Tyburn, was the only other prisoner who suffered death.§ The law of nations, the privilege of ambassadors, the allegation that don Pantaleon had been included in the powers granted to his brother, the ambassador, with every legal objection that could be devised, were permitted to be argued, and were urged in mitigation of punishment on the dignified criminal who lay at the mercy of the imperious executive,—but in

\* Mr. Greenway looking out (of the shop door) to see what was the matter, the captain in buff gave the signal, *sasa*, to fall on, and without any offence offered, they pistoled him, and shot him dead in the head. *A Relation, &c.*—*Lord Somers' Tracts*, v. vi., p. 252. † *Ibid.*

‡ Cobbett, *State Trials*, v. v., p. 479. By the 3rd article of the "Instrument of Government," it was provided that all writs, processes, &c. shall run in the name and stile of the lord Protector, from whom, *for the future*, shall be derived all magistracy and honors; and shall have the power of pardons, except in cases of murder and treason.—*Whitelock*. The law, however, was *post factum* as to the offence, though not as to the conviction.

§ Alvaro Gonsalves Pereira, Master of the Horse to the ambassador, and another of his retainers, had their lives spared. None of the English party, although they commenced the quarrel, were brought to trial.

vain; and to the amazement of the world, the don Pantaleo de Sà, brother of the ambassador of the king of Portugal, suffered death on the same block where Mr. Gerard, the original offender in the unhappy conflict, for another imputed offence, had just before forfeited his life.\*

Mr. William Metham, in the opinion of the examining magistrates, appeared by his evidence to be so far implicated in the offence, that he was committed to Newgate for safe custody, to await the directions of the government,† —with what personal inconvenience has not been ascertained; and of the Howards, who appear to have been still more intimately connected with the broil at its commencement and its close, nothing has escaped oblivion to tarnish or to varnish the lustre of their fame or name. A proclamation, however, was immediately issued against any revival of the quarrel; and a few days before the trial of the unhappy Portuguese,‡ it was thought expedient to publish an Ordinance of the Protector and Council, “against challenges, duels, and all provocations thereunto.” By this act, it was declared that “Whereas the fighting of duels upon private quarrels is a thing in itself displeasing to God, unbecoming christians, and contrary to all good order and government: and, forasmuch as the same is a growing evil in this nation, for preventing whereof there is a present necessity of some more severe laws than hitherto hath been made in that behalf. Be it therefore ordained by his highness the lord Protector of the Commonwealth of England, &c. :—

\* On the same day, July 10th, 1654, the treaty of peace with Portugal was signed, and the Condé de Canteneiro, took his mournful farewell. M. Bastide de la Croix, writing to M. la Baas, said, “This morning, at eight of the clock, the Portuguese ambassador signed their treaty, and departed from Gravesend at ten. His brother was beheaded this afternoon, and his man hanged at Tyburn.”—*Thurloe, State Papers*, v. ii., p. 439.

† Report of the recorder, Steele, to the Protector and Council, dated 12th April, 1654.—*Thurloe, State Papers*, v. ii., p. 228.

‡ The trial came on July 5: the following day the prisoners were found guilty and sentenced to be hanged.—*State Trials*.

"That fighting a duel, if death ensues, shall be murder.

"That seconds shall be banished for life.

"That persons challenging, or accepting a challenge, in the commonwealth, and fighting it elsewhere, shall be punished as if it had been fought within the commonwealth.

"That persons challenged, not discovering the same within twenty-four hours, shall be deemed acceptors.

"That persons using disgraceful or provoking words or gestures may be indicted.

"Penalty, fine and imprisonment; and judges and justices to award compensation to parties injured.

"No *certiorari* to be allowed."\*

Here is a model for legislation that might have been revived with advantage in more recent days. In the Commonwealth, said the Protector, *Sampson* shall no longer "strike quickly, being moved:" nor shall *Gregory* "bite his thumb" at a Montague. To be techy of honour and turbulent on occasion, was quite consistent with the character of a cavalier, who by nature eschewed thin potations and carried steel. That the Howards would fail to display their quality, should "dunghill curs confront the Helicons," would still be unquestioned, though no ghost revisited the glimpses of the moon to tell the tale.

On the 3rd of September, Cromwell assembled his second parliament, with as much of regal state as might be consistent with the "putting off that hereditary way," combined with the liberty of the subject, and "a reciprocation." It was professedly a free parliament, that assembly; and among the free things that came under debate and received solution, liberty of conscience was permitted "to all who should not maintain atheism, popery, prelacy, profaneness,

\* Cap. 36, passed 29th June, 1654. By the "Instrument of Government," an Ordinance of the Protector and Council (the Commons not being in session) had all the authority of law. This and a vast number of other Ordinances was confirmed by the Commons in a general Act passed for that purpose, (cap. 10,) in the year 1656.—*Scobell, Acts and Ordinances.*

or any damnable heresies to be *enumerated by the parliament.*"

Here was equal justice or injustice to protestant and catholic; but if it was only the *maintenance* that might be called in question, there was still a sufficient absence of tyranny for a quiet man to enjoy his thoughts, and practice his devotion in his heart of hearts. It was only the lusty clamourers for liberty of conscience that would force their opinions upon other men, and suppress every man's opinion but their own. If the protestants entertained any hopes, the catholics were not dismayed; and the Arundel Howards, who had again relapsed into popery, so far from receiving light from the doctrines that now prevailed, resolved that the *heresy* of their parents should have no representative among them, and the younger members of the family were sent to the Roman catholic college of Douay,\* to receive the best tuition in the faith of Rome.

It was a free and a reforming parliament; and on the 5th September, Mr. Commissioner Whitelock moved the House "that in regard the many exorbitancys both in the power and in the privileges of the judges at Salter's Hall, that the Act concerning the relief of creditors might be referred to a Committee, with power to send for persons, papers, records, &c.; and in the mean time that they be suspended from further proceedings; but the latter was not thought expedient, until something appeared in proof of their wrong doings."†

\* Edward, Francis, and Bernard, sons of the late earl of Arundel, of the several ages of 16, 14, and 11 years, were entered on the Register of the College, Sept. 18th, 1653.—*Dodd, Church History.*

† Guibon Goddard's Journal, p. 23.—*Add. MS. in B. M.*, 5138. An Act passed the 8th August, 1651 (cap. 13,) established six per cent. as the legal interest of money, and that none should take more; the Master of the Rolls and the Lords Commissioners of the Great Seal being empowered to "moderate interest incurred during the late troubles, according to equity and conscience." For this purpose, the time of the troubles was to be counted from the 1st September, 1642, to the 1st February, 1648.—*Scobell.*

It is not unlikely that Mr. Henry Howard had some business before that Committee; some grievance to complain of; for his father and his grandfather had creditors who had been clamorous for their debts. His father, moreover, it has been said, had aroused them to a sense of wrong against his grandmother, the dowager countess; and a creditor once aroused, under the laws of a commonwealth, with the debtor a royalist, and moreover a papist, might not be easily appeased. It is known also, that Mr. Henry Howard was using his anxious endeavours to effect a composition of those debts, and to redeem his inheritance from the depressing weight with which it was encumbered. There had also been one Holland, of Norfolk, and one Harvey, of London, esquires both, connected somehow with the trust of a Norfolk manor for the payment of the earl's debts; and there had been a lawsuit between John Harvey, esq., one of the said trustees, against Joseph Holland, for a breach of trust in purchasing lands, which suit had been "dismissed in chancery and found no remedy in law, by reason that an alien was in the case." Two years later Mr. Nathaniel Bacon brought this grievance by petition before the parliament;\* but with that we need not proceed, as our attention is to be directed to the 27th September, 1654; on which Wednesday, there was very important business before the House.† Mr. Howard was lounging away his time in the precincts of the parliament to hear the news, chatting with certain parliament men as they went and came; or, as it has been assumed, he was in attendance to expose some matter of legal wrong before that Committee for investigating the maleadministration of the law for the relief of creditors, which had become his

\* Burton's Diary, v. iv., p. 202.

† On this day, it was resolved in Grand Committee that "The exercise of the civil magistracy over England, Scotland and Ireland shall be in the lord Protector, assisted by a Council, according to the laws and such limitations as shall be agreed on in parliament."—*Goddard's Journal*.

business, if not his pleasure. He there met one Mr. Holland, and we must assume that a grievance already existed or then arose between them. It may have been that Holland was the aggressor—that he came between the wind and the nobility of a great name, and that Mr. Howard drew in defence of his person or his honor: but, by the recently-published ordinance the difference was slight as to the cause; and with the sad—the severe example of stern justice so lately inflicted, gentle blood must have been sorely tried, to have incurred so great a risk. Howbeit, we have the dry fact, recorded by Whitelock, that on the day mentioned, “Mr. Howard, son to the earl of Arundel, slew one Mr. Holland in the passage going to the Star Chamber, where a Committee sat.”\*

He smote him, and he died! But what of the smiter, and within the verge? Was it a case of privilege? There was a committee for privileges; but the journals are silent: although the poor maniac, who not long afterwards “laid about him with a drawn sword at the gate of the parliament house,” was brought to the bar and committed to the gate-house.†

Was it a case of duel, that, under the new law, came within the category of murder; where is the trial?

\* Memorials, p. 606.

† December 30, 1654.—*Whitelock, Memorials*, p. 592. The House being informed that one *Theauro John*, in the lobby without the door of the parliament, did draw a sword and strike at divers persons, and run with his sword against the door of the said house, he was brought to the bar. He told the parliament men, who sat there assembled in hat and cloak, that “He fired his tent and the people were ready to stone him because he burnt the bible.” Saith, It is letters not life, and he drew his sword because the man jostled him at the door. But there was method in his madness, nevertheless, when he told them, “He burnt the sword and pistols and the bible, because they are the gods of England.” *Satis, superque*. The Gate-House be his goal. See *Comm. Journ.*, v. vii. *Theauro John* (whose patronymic was Davy, and John by baptism) was probably in attendance to give evidence before the Committee for ejecting “Scandalous Ministers,” sitting in the Jerusalem Chamber.

A man is slain; "justice must be satisfied;" yet where is the decree? Whitelock mentions the fact with the *non-chalance* of a daily occurrence; inducing a belief that the administration of justice was yet at bay with the privilege of rank, where popular prejudices and political or religious zeal were not engaged; that a murder in law might yet be chance medley under favour. It can hardly be supposed, however, that Mr. Howard formed one of the "Court party" at Whitehall, although it was every way important for him to preserve a character equally distinct to all appearances, from the "malignant" interest. He had private affairs of magnitude, essential to his future hopes and personal *status* to engage his active attention, paramount to every other consideration, and only connected with the politics of the time by dissembling its decrees. In such a case, it might not be unexpected to find a man of the world playing the hermit or dressing his own vine; and Evelyn steps in to shew the Howards of Arundel peacefully engaged in country pursuits:

"August 1. I went to Dorking to see Mr. Charles Howard's\* amphitheatre garden or solitary recess, being fifteen acres, environed by a hill. He shewed us divers rare plants, caves, and an elaboratory.

"10th. To Albury to visit Mr. Howard, who had begun to build and alter the gardens much. He shewed me many rare pictures, &c."†

Happy royalist! fortunate papist! who,—confiding and unsuspected—in these distracted times, (if events in the precincts of Westminster had not rendered rustication for a time advisable) could so dissociate himself from the Babel of discordant factions, and pursue the rural delights of artless peace! But—

\* Mr. Charles Howard was fourth son of Henry Frederick earl of Arundel, and younger brother of Mr. Henry Howard of Albury.

† Diary, 1655, v. i., p. 308. Ante, p. 74, n. †.

There is a history in all men's lives,  
Figuring the nature of the time;

and, sad to say, the nature of this time was, to reverse the qualities of truth and falsehood; to break the ties of nature between brother and brother,\* faith and honor between man and man; and to make successful double-dealing the promising road to honors and reward. In the seclusion of their woodland retreat, and beneath the "fostering shadow" of the Commonwealth, there can be little doubt that the pride of the Howards lay in their patrician descent and their sympathies with the proscribed Stuart at Cologne.

Manning, the spy, addressing a letter of intelligence to Secretary Thurloe, conveyed to the knowledge of the Protector, that "The Arundel Howards, of whom one brother is a dominican friar,† and now lately gone to England, correspond with Hanham, of whom I made mention formerly, who is now here in private with the king.‡

\* "For my brother Charles," said John Gerard, on the scaffold, "Alas! poor youth, how he was wrought upon! But I desire all my friends to think honorably of him."—*State Trials*. Charles Gerard's examination is in *Thurloe, State Papers*, v. ii., p. 341. He implicated Henshaw, and fatally, named a conversation at which his brother was present. The French ambassador, M. de Bordeaux, in a letter to the Count de Brienne, relates, that the brothers "suffered confrontation upon the scaffold" (*Ib.*, p. 447); a measure of cruelty that will account for John Gerard's appeal. We learn from Thurloe, that Henshaw was safe in the tower at the moment of the trial, although neither prosecuted nor produced as a witness.—*Lingard*.

† Philip Howard, afterwards Cardinal of York.

‡ Letter dated Cologne, November 17, 1655.—*Thurloe, State Papers*, v. iv., p. 169. The previous letter of Mr. Manning is not in the printed selection, and the history of Mr. Hanham is still to be sought in Thurloe's sixty seven folio volumes, preserved among the Rawlinson MS. in the Bodleian Library. In 1642, there was one Mr. Hanham, a member of the House of Commons, who, when the public purse was rather low in cash and resources, volunteered a loan of *fifty pounds* to the credit of the nation, and shortly afterwards received repayment.—*Comm. Journ.*, v. ii. Yet, after so much loyalty to the public cause, sad to relate, on the 18th October, 1645, it was ordered in parliament, "that Mr. Hanham, *inter alia*, be referred to the Committee at Goldsmiths' Hall, in order to a composition for his delinquency."—*Ib.*, v. iv. And the result was a resolution, "that

The spy was discovered shortly afterwards, and "the wretch," writes Clarendon, "received the reward due to his treason,\*—Charles Stuart had him shot.† If he told the truth in his extremity, he had been faithful neither to the Commonwealth, on whom he fattened, nor to the king, whom he professed to serve;‡ and howsoever true to his salt, his assertions, under such circumstances, would doubtless be received by the vigilant Secretary with a greater degree of caution than hitherto, even in respect of persons, who, by their religion and known connections, it is to be presumed, were already under the *surveillance* of the state. A suspected enemy has an advantage in being a known man: he has the opportunity of furnishing explanations and of giving assurances of neutrality, if not of fidelity, that in other persons would be supplied by active measures—making assurance doubly sure—to the same end. A letter, among Thurloe's papers, intimating some previous correspondence, had brought the Arundel Howards, and their private affairs, intimately to the notice of the Protector,

the House do accept the sum of £965, of Thomas Hanham of Candle, co. Dorset, esq., for his delinquency in deserting the parliament, (being a member of the House,) and going to Oxford." His estate was a life interest of £386 per annum.—*Ib.*

In the mean time (July 15, 1644,) it was ordered, that the Governor of Poole do send up, *inter alia*, "Mr. Hanham, jun., in very safe custody to this House."—*Ib.*, v. iii.

Earlier, in January, 1641, the sheriff of Somersetshire received the directions of the House to make seizure of certain arms, said to be in possession of one James Hanham, a popish recusant, inhabiting an obscure place in that county called Hollewell; to wit, forty arms for foot, twenty arms for horse, and three pieces of brass ordnance; and to place the same in safe custody.—*Lords' Journals*, v. iv. After the restoration there was a John Hannum, M.A., who, for his constancy to the king in the late unhappy times, having been disabled from taking his degree in the University, was, by letters mandatory of his majesty, admitted B.D. of Cambridge, December 4, 1662.—*Kennett*, 836.

\* Clarendon, *Hist. Rebellion*, v. iii., p. 568.

† He was "pistolled in a wood near Cologne, by Sir James Hamilton and Major Armourer."—*Thurloe*, v. v., p. 718.      ‡ Clarendon, *ut supra*.

and whether of his Council, depended on the pleasure of his highness. In this instance, as nothing appears on the journals of parliament, it is probable the matter was treated more of a private affair than of public concern; the executive accepting such explanation as might readily be given, and according by the opportune imputation, a favorable chance of meeting and dispelling other accusations that might be laid to their charge.

While Mr. Henry Howard was basking in the sunshine of his Surrey retreat, nigh to Guildford, indulging in reveries of future grandeur, and his brother Charles was deeply studious in his "elaboratory" at Deepdene, the Secretary to his highness the Protector received the following letter from Mrs. Mary Gernon:—

"Honored Sir,—I had waited on you but sickness prevented me. The erle of Arundell is my neere kinsman, and he is in great affliction, because he is kept amongst priests and jesuits. He desires earnestly to live a protestant in England, the place of his nativity: except it please God to make you the instrument to redeeme him from perishing in the church of Rome, he shall never be brought into England alive. Those that have the guardianship of him might have done it long since; and if you send by those that will not goe untill they have the money for theyre journey out of his estate, his heart will breake before they come at him. If it should please your highnesse to write to the States of Venice to send the earle of Arundell into England, I have a friend who is well knowen to his highnesse, who shall wait on you, when you command him, and will carry the Protector's letter with all speed, and on his own charges, and will furnish the erle of Arundell with moneys for his journey into England. By doeing this act of charity will bring blessings to you and your's for ever.

"Your honor's most humble Servant,

"London, August 5, 1655."

"MARY GERNON."\*

\* Thurloe, State Papers, v. iii., p. 695.

Who was Mrs. Mary Gernon, that thus interested herself in the affairs of her "neere kinsman?" Was she that Mary Gernon of Killingcowle, who became the wife of Thomas Stanley of Finnon, in the county of Meath; or that other Mary Gernon who married Richard Nugent of Robinstown, in the county of Westmeath,\* of the Irish noble family of Nugent, earls of that county? In the latter case, her fears of the perdition of Rome may account for her son being the first of his family who abjured the ancient faith; yet the affinity with the earl of Arundel is not very distinct. Women, although a very essential part of a genealogy,—viewed indeed, by physiologists as the "depositories of future generations,"—were, nevertheless, of small account in the estimate of the feodists; and by the heralds have been treated with singular neglect: hence the Visitations generally, afford scanty information of the females of a family, excepting where an honor has terminated in "distaffs;" and the female heir of a noble house has carried the inheritance, the armorial distinction, and perhaps the name, to ennoble,—not as the ballad makers so pleasantly describe,—and make happy, some valiant knight, lord of her choice, on whom she bestowed her hand and heart; but, alas! while the latter, (of little value in feodal law,) she might perhaps cast away as she listed,—hard as may have been her fate, the former, at the absolute disposal of the lord of the fee (the king being paramount), went with the land, and became the arbitrary right of the purchaser of the marriage. The branch of the House of Gernon, through whom the Howards of Arundel might trace a descent from the ancient coat, *paly, wavy of six, arg. and gu.*, had long taken the name of their Suffolk

\* He died in the year 1703, at the age of 105 years; and one of his daughters (Margaret, wife of Francis Nugent of Roscrea,) died in the year 1742, at the age of 83; one hundred and forty-four years for two lives, extending over the reign of nine sovereigns, from 1598, the 40th year of Elizabeth, to 1742, the 16th of George the Second.

manor of Caundishe;\* but in former ages cousins were as diffusive as the counsellors of the king; there was scarcely a limit to relationship in blood not so described, when alliances were strength, and the unity of great families afforded the best protection against "the power" of the crown.

The earl of Arundel had maternal cousins—and of the favorite christian name—of whose disposal the heralds are silent: his younger sister, the lady Elizabeth Howard, married a Macdonnel of the House of Antrim; and a daughter of Richard, earl of Westmeath, was allied to the same family; indeed the ramifications are several by which a connection may be traced, were it material to the present purpose that the writer of the letter to Secretary Thurloe should be particularly identified: the signature, however, might have been a mere *nom de guerre*, for any purpose to be gained by the discovery; and whosoever the lady may have been, it is very unlikely that she was a free agent, acting disinterestedly from the pure motives expressed: there are too many improbabilities in the narration to establish the belief of personal knowledge in the writer; and an accordance with subsequent action too apparent for the sincerity of the earnestness expressed.

The unhappy *imbécile*, victim of religious indecision, as earl of Arundel, lord Mowbray, and Mr. Howard, had been ten years under restraint at Padua. If wrong had been committed against his personal liberty, it had been of that duration, and his father and grandfather had been parties to the crime: if wrong had been committed against his hereditary rights, his father had been the person committing that offence, when, in 1646, he used the legal means at his disposal to provide for the distressing emergency, and secure the heredity of the family estates apart from his succession. With an interest not apparent on the surface, the letter of Mrs. Mary Gernon seems rather a weak device of the

\* The Cavendishes, earls of Devonshire and Newcastle, were *de facto* Gernons of Cavendish.

enemy, playing on the anti-Romish zeal of the Protector, than the affectionate interference of a female relative on behalf of an alleged deeply-oppressed noble. The interest, whatever it might have been, offered money to support the charges, and "a friend well known to his highnesse" to conduct the proposed release of the afflicted earl; or more probably—the proposed annoyance to his nearest kinsman! Who should this have been? And what, if the protestant anxiety should in reality have been jesuitical in origin and purpose, emanating from a source as thoroughly Romish as might be found to exist?

The following letter from the viscount Stafford\* to the

\* William viscount Stafford was third son of Thomas earl of Arundel and his countess the lady Alatheia Talbot, who having to wife Mary, sister and heir of Henry fourth baron Stafford, they were by letters patent of the tenth year of king Charles I., dated 12th September, 1640, created baron and baroness Stafford of Stafford Castle, "*with such precedence as Henry lord Stafford, brother of the said Mary, did enjoy.*" In this clause, however, the Court influence became too apparent; and the precedence to a new creation being deemed illegal, the object was attained, 11th November, the same year, by the elevation of William lord Stafford to the rank of viscount.

This advancement of his younger son to the honors of an ancient stock has been mentioned as an improper exercise of the powerful Court influence of Thomas earl of Arundel, and a lasting blot on the escutcheon of the Howards. For the earl, if the influence is rightly attributed to him, it was his last successful venture: in the restoration of his own family honors, about the same time, he failed of success; and retired abroad in disgust and poverty. But the tale must be told.

Henry, fourth baron Stafford, dying in 1637, a youth, unmarried, his only sister, wife of Sir William Howard, K.B., became his heir. The barony of Stafford, however, by right of inheritance, devolved on a cousin, Roger Stafford, son of Richard, brother of the second baron (*see the Table*); and here commences the wrong: for this Roger, claiming the honor that had become his right by law, observes Sir Harris Nicholas, "was unjustly denied the dignity on account of his poverty."—(*Synopsis of the Peerage*, v. ii., p. 600.) Roger Stafford, says Mr. Banks, "immediately on the death of his relation, presented a petition to the king, claiming the barony and a portion of the estates. But being of slender fortune, probably having none at all, he was borne down by the power of the Howards, who solicited the barony for the sister of the last lord and her husband, Sir William Howard. The

lord Protector, having reference to the same matter, explains the interference to have been merely introductory to personal designs having no relation to family affection, to philanthropy or to the religious fears employed to arouse the dormant attention of the puritanical executive:—

“May it please your Highness,

“I hold my selfe bounde in duty by your highness leave, to give you this account, that when I was last in England, I did addresse my selfe by petition to your highness in the behalfe of my nephew, Tho. earl of Arrundell, now kept in cruell slavery in Padua, that he might be brought over and restored to his estate; or, if it was thought needfull, a due

indigent heir appealed to the protection of the king, and was advised to submit his case to his majesty's judgment: “upon which submission,” we are told, “the king declared his royal pleasure, that the said Roger Stafford, *having no part of the inheritance of the said lord Stafford, nor any other landes or means whatever*, shall make a resignation of all claims and title to the said barony of Stafford, for his majesty to dispose of as he shall see fit.”

*Blood against groats!* “What,” exclaims the enthusiastic genealogist, “has poverty to do with rights which are annexed to blood? If honors are to fluctuate with property, woe to the permanence of any family in a country like this! How mean, how ignorant is the prejudice against the truth; or the claims of a descent which is involved in poverty!”—*Banks, Dorm. and Ext. Peerage*, v. ii., p. 529.

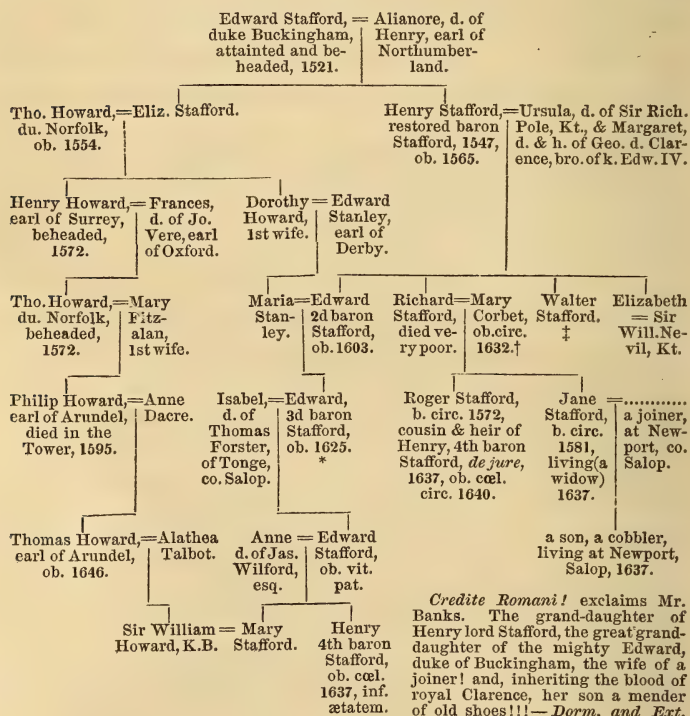
By what intimidation the poor lord was induced to surrender his rights cannot now be known. But in obedience to the king's command, the surrender was duly made by deed enrolled, dated the 7th December, 1639, and by fine levied of the honor to his majesty's use in the following Hilary Term. And being thus extinguished it was assumed, by form of law, the king was pleased to revive the honor and title, by a new creation, in the family of Howard!

If Sterne's sentimental episode represents a theory unknown to our law of honors, degradation for poverty may find a precedent in the case of the marquess of Montague and his son, George duke of Bedford, reduced to the ranks of the commonalty for that cause, by act of parliament, 17 Edw. IV.—*Add. MS. in B. M. Lib.*, 12,514, *fo.* 17; where the act is recited. But in the year 1640, the peers were too regardant of their privileges to allow the “melancholy precedent” of the lord Stafford to remain uncondemned; and in order to obviate so dangerous an example, it was afterwards resolved, by the lords in parliament, “That no fine now levied, or at any time here-

provision made for his recovery, and inspected heer according to the knowne laws of the land; in favour of which most just request your highness was graciously pleased to order letters to be sent to the duke of Venice; but since,

after to be levied to the king, can bar any title of honor, or the right of any person claiming such title under him that levied or shall levy such fine."—*Dorm. and Ext. Peerage, v. ii., p. 533.*

## TABLE OF DESCENT.



\* Roland White, writing to Sir Robert Sydney, November 22, 1595, says: "My lorde Stafford's son is basely married to his mother's chambermaid."—*Sydney Papers, i., 365.*

† Daughter of John Corbet, of Lee, co. Salop, esq. and his wife Anne, daughter of Sir William Boothe, of Dunham Massey. She survived her husband, and sued for her jointure out of lands at Errington, in Gloucestershire; but failed of her suit.

‡ Unaccounted for in the pedigrees; yet on the failure of the male issue of his brother Richard, his male descendants, if any, were, *de jure*, the next in claim to the barony of Stafford.

understanding it hath proceeded noe further, I have caused a second petition to your highness to be left at mr. Bacon's hand, your master of requests, my selfe being detain'd here in relation to the performance of my mother's will, to whome I am executor, in which alsoe I am dayly obstructed through my nephew Harry's meanes, by false arrests and other such molestations, because of my entire and faithfull dealings in endeavouring my nephew Arundell's enlargement, which often upon his knees he hath beged of me; and in all justice and conscience I ought to performe. *But in this I had bin silent, but that your highness's knowledge thereof will somewhat cleer my way to you in a busines of far greater importance,* wholly concerning your owne person and affayres, which I thought it my duty to acquaint your highness with, although not fitt to communicate to paper: therefore, if your highness please to grant me a safe protection from all arests and other like molestations for a small convenient tyme, I will make my sudden repayre into England, and there give you your highness, by word of mouth, an assured testimony of the passionate attention I have to approve my selfe

“Your highness's most humble

“Amsterdam,

“and obedient Servant,

“Jan. 1, 1656,

“STAFFORD.”\*

“new stile.”

“A weak, but fair conditioned man,” writes Burnett,† “on ill terms with his nephew's family.” In those words may be found the mystery of this appeal on behalf of a nephew “kept in cruell slavery at Padua;” and although the charge had produced inquiry, the plot was too unwarily expressed, and the design too apparent to impose on the person addressed. What, indeed, can be said in favor of a man, who after declaring as foul a wrong as might well be exposed—the imprisonment and disherison of one of his

\* Thurloe, v. iv., p. 335.

† Hist. of his Own Time, v. ii., p. 256.

nephews by a younger brother,—should add: “but in this I had bin silent, but that your highness’s knowledge thereof will somewhat cleer my way to you in a busines of *far greater importance*, wholly concerning your owne person and affayres.” The conclusion need not be repeated, though it is equally out of taste, from a royalist who placed a value upon his loyalty far above the estimate of others, and thought himself ill-requited when the turn of the king’s affairs converted the homager of the Protector to the courtier of the throne.\* But Cromwell was hardly to be caught

\* Burnett adds, that “He thought the king had not rewarded him for his former services as he had deserved; so he often voted against the Court, and made great applications always to the earl of Shaftesbury.”

These political associations in due course marked him as the probable victim for a set of men of beggarly fortunes and desperate lives; who, in despair of honest preferment, in their own familiar phrase, “set up as witnesses;” they concocted sham plots, and as no evidence was too monstrous for the fears of the time (the king himself, perhaps, being the least credulous of any) they lived in luxury on the price of blood. Implicated in the Oates plot of 1678, and convicted mainly on the evidence of Dugdale, a discharged serving man of the lord Aston, who swore that in a conversation at his master’s house at Tixall, the lord Stafford gave “his full consent” to the plot; and afterwards offered the witness five hundred pounds to accomplish the death of the king, the viscount Stafford was brought to the block, on Tower-hill, the 29th December, 1680. Burnett says, four of the Howards, his kinsmen, condemned him; but the earl of Arundel [mentioned below] did acquit him.—*Hist.*, v. ii., p. 263.

Dr. Lingard has printed three letters of this unfortunate nobleman, from originals at Corby Castle, written from the Tower of London; two of them to his daughter Ursula, a nun in the English Convent of St. Augustin, at Louvain; the second preparing her for his unhappy fate. The third letter, “For my lady the countesse of Arundell,” is as follows: “Madam, I beseech God preserve you and make you happy. I pray let yo<sup>r</sup> lord know that I do count myselfe very much obliged unto him, and wish him as well as may be. I pray let him know that I have the sword that was our great ancestor’s att the battle of Flodden-Field, with w<sup>ch</sup> we have a tradition in our family hee killed the king of Scotland. This sword was always much esteemed by my father. I do now give it unto y<sup>or</sup> Lord, my nephew. I have taken order it shall be brought unto him. I give it upon this condition and no other, that he leave it to the heirs males of himself, w<sup>ch</sup> I hope will be many, and their heirs males; for want of such, unto my nephew Thomas, his brother; and for want of his heirs males, to return

with chaff like this; and though he probably offered no obstacle to the visit of the viscount Stafford to his native land, he did not afford him the opportunity of displaying his "pasionate attention" at court.

The lord Broghill,\* addressing Secretary Thurloe, 3rd

unto my heirs. God bless you all! I am near my death, and with that will averre my innocence, that am,

"Your Lad<sup>ps</sup> faithfull humble Servt. and Unkle,

—*Hist. Engl. v. ix., App. p. 514.*

"WILLIAM HOWARD."

If the wishes of the viscount Stafford had been respected, the family relic (which is said to be in the Heralds' College) should, in 1777, have passed to Sir William Jerningham, of Costessey, Bart, who, as heir general, claimed the ancient barony of Stafford. The sword is supposed to have been, not the weapon with which the king of Scotland was slain, but that worn by Thomas earl of Surrey, on the memorable occasion, when he won the battle of Flodden, and by his victory regained the dukedom of Norfolk, lost by his father on Bosworth field.

It must be noticed that the countess of Arundel addressed, was the lady Mary Mordaunt, daughter of the earl of Peterborough, wife of Henry Howard, summoned to parliament as lord Mowbray *vitâ patris*, (earl of Arundel by courtesy) great nephew of William, viscount Stafford. He died without issue, and a son of his brother Thomas became his heir.

\* The lord Broghill was fifth son of Richard Boyle, "the great earl of Cork." Before he was seven years of age, the royal favor conferred on Roger Boyle the title of lord Boyle, baron of Broghill, in the kingdom of Ireland, in 1627. In 1640, he married Margaret Howard, third daughter of Theophilus, second earl of Suffolk. The lord Broghill was a valiant and fortunate soldier in the service of king Charles the First, animated by ardent zeal in the reduction of Ireland. On the death of the king, the like zeal induced him to unite his fortunes with Cromwell in the same cause; and he became an intimate friend of the Protector, to whom he was under the highest obligations for favors received in the shape of rewards and conquered lands. On the death of his friend, however, when he saw "the game was lost," he lost no time in making his cards for the new deal; and was not less fortunate in his future than in his past career.

"God's Providence is our Inheritance," was the motto of his lucky parent, the "great earl;" and the lord Broghill, hastening to his command in Munster, prepared himself for coming events with a sagacity that marked the high character of his political endowment. A few lines penned on a slip of paper, neatly quilted in the collar of the doublet of his brother Francis, assured the king of his fidelity; and that he had five thousand of his protestant subjects in arms ready to welcome his return!

A patent of pardon for "past crimes and offences," and the earldom of

August, 1657, writes: "My lord Stafford, who, to my wonder, gave me a visit, and desyred me to bringe him to kiss his highness's hand, was twice there to doe it, ere he left the town, but not haveing admittance, desyred me to let his highness know he was there to performe his duty, which I really forgot to doe; and therefore humbly beg you to doe it."\*

The viscount Stafford overshot his mark, the sad tale of the imprisonment of the earl of Arundel, for the time, fell to the ground, and his younger brothers, the Howards of Arundel, doubtless established a character on the defamatory statement that bore them onwards through greater dangers for the remainder of the Protectorate; even if it did not induce a rashness of conversation, an indulgence of idle talk that, in Mr. Henry Howard, was one of the frailties of his nature: otherwise a man of the time; not given to fear where occasion led to action; but politic withal, having sufficient knowledge of manners and men even to work a rotten borough under the influence of a reform act.

The great Protector had finished his illustrious career, and his body had been entombed in its penultimate abode;†

Orrery, gave assurance to the world of the king's favour; and places, pensions, compensations, besides five several grants of land under the Acts of Settlement, as so many marks of especial bounty and grace, were his pecuniary reward.

His elder brother, Lewis, created, when a child, viscount Boyle of Kymameaky, was slain at the battle of Iiscarrol, in 1642, when the lord Broghill valiantly rescued the dead body and brought his troop out of action. His younger brother, Francis, before named, after the restoration, was created viscount Shannon. A still younger brother, seventh son of his parents, the hon. Robert Boyle, was the celebrated natural philosopher.

The earl of Orrery, a man of vast action, having "enjoyed very great employments with universal reputation," died, at the age of fifty-eight years, the 10th October, 1679, "leaving behind him the character of an able general, statesman, and writer; particularly happy in what is called presence of mind, with surprising dexterity in extricating himself from the greatest difficulties."—*Lodge; Mem. of the Boyles.*

\* Thurloe, State Papers, v. vi., p. 346.

† His last was beneath the gallows at Tyburn. The fact has been dis-

when his successor, confiding in the happiness of his father's rule; how "he had left these nations in great honor abroad, and happiness at home, every man dwelling in safety under his own fig-tree, from Dan unto Beersheba," summoned a parliament to meet at Westminster, on the 27th January, 165<sup>8</sup>. In this happy land, however, there were elements of discord: besides the republicans and the army, there were the Independents of the Congregational Churches, in whose tenets the late Protector, Oliver, had gloried and conquered; and the Presbyterians, to whom the new Protector "rather inclined." Richard, however, met his parliament with all the state that the kings of England and his father had used. Enthroned in his "other House," the Commons were summoned to hear a speech worthy of a monarch; and lord Commissioner Fiennes, aghast at the wisdom and eloquence to which he had to respond, exclaimed, "What can a man say after the king?"

This was "Dick's parliament,"—his refuge from the disorder of his council; and even herein his constitutional advisers had departed from the true interest of their chief: for on debate "Whether the elections should be made by the counties, cities, and chief towns, according to the distribution agreed on by the Long Parliament, and practised by the late Protector; or, whether they should be made by the counties, cities and boroughs, according to the ancient law of the land" the measures of the Court were broken by the result. "The ancient law of the land" carried the votes of the council; and one of the results, related by Slingsby Bethel, appears to have been, that "Mr. Howard,

puted; but whoso shall doubt, may read the record of daily events in *Rugge's Diary*. As a summary; Jan. 28, 1660, Oliver Cromwell's vault broken open, and people in crowds gave sixpence a piece to see him. 30th, The handsome coffin taken from Westminster to the Red Lion Inn, Holborn, and thence dragged on a sledge to Tyburn, where the body was hanged. Feb. 6, The heads of O. Cromwell, John Bradshaw, and Henry Ireton set upon poles at the top of Westminster Hall; Bradshaw having the place of honor in the centre.—*Add. MS. in B. M. Lib.*, 10,116.

a papist, had boasted, that at the instance of the Pretender and his Secretary, he had sent twenty members to parliament.”\*

“April 8th, 1659. I came late,” wrote Burton, “and found the House in debate, whether Mr. Howard’s misdemeanor at the election of Castle Rising,† and other places where he had power, should be enquired into.

“*Col. Birch* and others affirmed that oath would be given that he had boasted in several places, that he had sent twenty-four members into this House.

“*Major-Gen. Kelsey* and *Col. Clark* were very earnest to have it enquired into.

“It seems the report was shuffled in the other morning,‡

\* Brief Narrative, p. 341.

† The influence of Mr. Howard at Aldborough and Castle Rising, at a much later date, appears to have been an object of solicitation. Henry Savile, writing to Sam. Pepys, August 14th, 1672, says, “His royal Highness (the duke of York) has farther ordered mee to acquaint you, that upon a report wee have heer, that Sir Rob. Paston is to bee called to the House of Lords, hee spoake to my lord Harry Howard that you might be burgesse of Rising, which his lordship has very willingly consented to, both out of obedience to the duke’s commands and out of kindnesse to you.”—*Pepys, Diary*, v. v., p. 288. Wealth had then, as now, its cares, and pocket boroughs their troubles; as witness, in reference to the foregoing promise. “I had this morning,” (Aug. 31, 1672,) wrote T. Povy to S. Pepys, “full discourse with the lord Howard, who was telling mee how hee finds himself oppressed with his prerogative of recommending on elections; and how hee stands engaged to the king for Sir F. North, to the duchess of Cleveland for Sir John Trevor, hir councill and feoffee, and to the duke for you.” In his “distraction,” the expedient of getting the Solicitor (North) returned for Lynn had been discussed; but that my lord was tender of opposing young Cook, “because the gent. of the countrie doe already murmur at his disposing those places, upon which he hath a full and perticular influence, upon strangers and courtiers..”—*Ib.*, p. 290.

‡ Wednesday, April 6. An account of the Election for Castle Rising is given by the editor of Burton, from the Journals.—*Diary*, v. iv., p. 350, n. After much violence, the election resulted in a double return, Guibon Goddard and Col. Fielder, (by the mayor as returning officer); and Goddard and Col. Rob. Jermie, by the parson and several other free burgesses, returned by the sheriff. The House decided in favour of the Mayor’s return. *Goddard’s MS. Journal*, p. 117.

when the republicans had not opportunity to lay open the foulness of the election, relating to letters from great persons. A papist reputed, ought not to have such influence, and it was agreed by divers that he had been but too active in this part.”\*

The activity of Mr. Howard in the cause of the king, revived the action of his personal enemies and brought his private affairs, which had so long slumbered in the Secretary’s office, immediately to the notice of the House:—

“Upon occasion of this debate,” continues the diarist, “a petition was presented touching his eldest brother being kept by him out of an estate of £17,000 per annum, which was referred to a Committee. It seems there was a jury summoned in Surrey, about his lunacy, and commissioners appointed to manage his estate. Some say that they have mutilated the earl in Italy, under physicians, pretending the curing him of his distemper.

“*Sir Arthur Haselrigge* moved, that Henry Howard be in custody till the whole matter be examined.

“Resolved, that it be referred to a Committee to examine by whom and by what means, the earl of Arundel, who, (as the House is informed) is a protestant, is detained in the parts beyond the seas; and by whom, and by what right his inheritance here is withheld from him; and to offer their opinion to this House, how the said earl may be restored to his estate and liberty.

“Resolved, that the Committee shall have power to send for parties, witnesses, papers and records.

“Resolved, that it be referred to the same Committee to examine the misdemeanours, the House hath been this day informed of, to have been committed by Mr. Henry Howard, brother to the earl of Arundel, at the first election of burgesses to serve in this present parliament, for the borough of Castle Rising in the county of Norfolk; and at other

\* Burton, Diary, v. iv., p. 369.

elections of burgesses to serve for other places in this present parliament.”\*

A house divided against itself shall fall, saith the proverb; and in that discordance of elements Mr. Howard found his safety from imprisonment, perhaps from greater persecution; for among the several parties that composed the assembly, a royalist and a papist might expect to find few friends; and if there were any subjects that would bring the dissociating conglomeration to unity of action, they were probably royalty and romanism. The lamentable tale, therefore, of a protestant earl imprisoned abroad among priests and jesuits, deprived of his lawful inheritance by catholic relatives at home, which had failed of its purposed effect on the deceased Protector, when united with political intrigue against the interests of parties in the Commonwealth who sat in judgment on the case, found sufficient sympathy to unite them in two resolutions entered on the journals of the House. On the 16th September, 1659, it was—

“Ordered, that it be referred to the Council of the State to take especial care that the earl of Arundel be speedily sent for and safely brought over into England, at the charge of the earl of Arundel; and that the Council of State do take care that the order is speedily put in execution.”†

This was followed by a resolution still more embarrassing to the intriguing papist who had ventured, by his borough influence, to introduce another active element of discord into the councils of the nation, to disturb the apparent calm,—that, while it imposed on the world, perhaps betokened a coming storm,—and to effect revolution by disunion that seemed unlikely to be accomplished by accord.‡ On the 28th September, it was—

\* Burton, *Diary*, v. iv., p. 370. † *Com. Journ.*, v. vii., p. 779.

‡ The lord Chancellor Hyde, writing to Mr. Fisher (Sir William Howard), said: “We have not yet found that advantage in Cromwell’s death that we reasonably hoped; nay rather, we are the worse for it, and the less es-

"Ordered, that the estate of the earl of Arundel be secured, for the use of the said earl, into the hands of such persons as the Council of the State shall nominate, until he returns from beyond seas into England. And that a letter be written to the duke of Venice that the earl of Arundel be secured in his territories until he be sent for by the parliament: that Mr. Thomas Challoner do prepare the said letter, and that Mr. Speaker do sign the same."\*

In other times than those unrecognised by law, this resolution might have brought on a lively contest between the courts of law and the "power of the mace." In the year 1659, at the end of the month of September, if the authority of the House of Commons was potent to command, the execution of its edicts was not so certain.† Mr. Howard had scanned the chances of events; and if it were dangerous to incur the anger of the irresponsible body he had aroused against himself personally, he perhaps felt, with Hotspur, that "out of this nettle—danger, we may pluck this flower—safety;" for in the midst of the discord that reigned around him, the representative of the House of Howard was confidently looking forward to the good time to come; and quietly planning the grandeur of his future. He had been to Saye's Court, to call upon his ingenious friend, Evelyn;‡ and, "on the 17th October," notes the

teemed, people imagining by the great calm that hath followed, that the nation is united, and that in truth the king hath very few friends. . . . . I wish you were of the parliament yourself: however, you will early advertise us of what passes there; and I hope some confusion will fall out which must make open a door for us." Jan. 22nd, 1658.—*Clarendon's Letters*, v. iii., p. 422.

\* Comm. Journ., v. vii., p. 789.

† On October 11th, Evelyn wrote: "The army now turned out the parliament. We had now no government in the nation: all in confusion; no magistrate, either owned or pretended, but the soldiers, and they not agreed. God Almighty have mercy on, and settle us!"—*Diary*, v. i., p. 333.

‡ His cousin, Sir John Evelyn, of Godstone, had been returned to Parliament for Bletchingley, in Surrey, by the Howard interest. The manor of Bletchingley was the inheritance of Elizabeth Howard, daughter and

diarist, "I paid a visit to Mr. Howard at Arundel House, who gave me a fair onyx set in gold, and shewed me *his design for a new palace* there."\*

This little incident furnishes an indication of hope and confidence in the course of events, that can hardly be mistaken: the Commonwealth was a wreck; its disjointed members vainly struggling against an ebb tide; and the year 1659 had not expired when a probability of the re-establishment of the royal power was the spontaneous reward of long suffering, much disappointment, and fruitless intrigue on the part of the expatriated king. To Mr. Howard the restoration opened a *vista* that gave vitality to his ardent hopes, and might have gratified the desires of the most ambitious. The death of "the tyrant, Oliver," had not, as expected, united parties to the consummation devoutly to be wished; but the incapacity of his successor to wield the iron sceptre, united interests that only became cohesive from the absence of any other unity of purpose. In the words of one of the Howards, who played no unimportant part in the back-ground, "Dick Cromwell sat in the saddle like an ape on horseback:"†—an undignified

heiress of William lord Howard of Effingham. She married John lord Mordaunt, of Turvey, created earl of Peterborough by Charles the First. He renounced the errors of Popery, adopted the cause of the parliament, and in that interest was appointed General of the Ordnance; but died in 1642. His widow, in 1648, settled the manor of Bletchingley, (with limitations in favor of her own family,) on her son Henry earl of Peterborough; Henry earl of Arundel (father of Mr. Henry Howard) being one of the trustees.—*Halstead, Succinct Genealogies*, 1685. Henry, earl of Peterborough, an active partizan of the king, in his troubles, was wounded at Newbury fight. He became a pervert to the faith of Rome, and adhered to the Stuarts in their subsequent misfortunes. By his wife, Penelope, daughter of Barnabas, earl of Thomond, he left an only daughter, who became duchess of Norfolk.

\* Diary, v. i., p. 333.

† Letter of Mr. Fisher (Sir William Howard,) to lord Chancellor Hyde.—*Clarendon's Letters*, v. iii., p. 407. These, however, were hard lines for poor Dick Cromwell; who would have made a respectable cavalier; and is certainly chargeable with conspiracy in favour of Charles Stuart against his own Protectorate.

position that could hardly command respect, even if it could retain the saddle with contempt; and amidst the most discordant elements of faction, king Charles the Second returned to meet so many courtly faces, that, with smiles on his cheek, and in *badinage* that hardly concealed the contempt of his heart,—“he doubted it had been his own fault he had been absent so long; for he saw no one who did not protest he had ever wished for his return!”

The “King’s head” and the “Tumble-down-Dick” became the popular tavern signs; and honest old Izaak Walton,—no irreverent or thoughtless observer of the times,—rushed into verse to hail the happy day!

The king! the king’s return’d! and now  
Let’s banish all sad thoughts, and sing  
We have our laws and have our king! \*

With more ambitious views, and from a totally different aspect, Mr. Henry Howard doubtless entertained sentiments akin to those of the contemplative angler. He was preparing, perhaps, for the great event, when on the 7th April, 1660, in conjunction with the lady Anne, his wife, for the sum of three thousand two hundred and seventy pounds, he sold all that his undivided third part of the manor or lordship of Cryche, in the county of Derby;† and in the same year, if not at the same time, in conjunction also with the lady Anne, he sold his third part of the manor of Shirland, in the same county.‡

It would not be just to say that Mr. Howard paid his early court to the restored king; for he had been a friend to his majesty in his misfortunes, “in the time of the late

\* An humble Eclogue on the 29th May.

† Add. MS. in B. M. Lib., No. 6705, *fo.* 6.

‡ *Ibid.*, *fo.* 102. The manors of Cryche and Shirland, were portion of the Talbot estate, which, on the decease of Gilbert, earl of Shrewsbury, without male issue, in 1616, became divisible among his three daughters,—Mary, countess of Pembroke; Elizabeth, countess of Kent; and Alatheia, countess of Arundel.

usurpation, when he was necessitated to be in foreign parts in a banished condition ;” \* and he greeted the restoration of royalty as a joyful occasion, that afforded a prospect of happiness to many friends, and perhaps of ambition to himself. He was present at the ceremony of the coronation on St. George’s day, 1661, when, as representative of his family, he performed the service adjudged by the Court of Claims, to be due from the lord of the manor of Worksop, † in the county of Nottingham ; namely, to find a right-hand glove for the use of his majesty on that day ; and to perform the service which has been thus described :—

“ When the archbishop took the sceptre with the cross from off the altar, and was about to deliver it to the king, Mr. Henry Howard presented to his majesty a rich glove, which he put on his right hand, and then received the sceptre, the archbishop saying : “ *Receive this sceptre, the sign of kingly power, &c.* ;” and while the archbishop was pronouncing the prayer that followed : “ *O Lord, the fountain of all good things, &c.*,” Mr. Howard performed the service of supporting the king’s right arm, according as it had been adjudged to him by the Court of Claims ;— and during the singing of the anthem, when the king took off his crown and delivered it to the lord Chamberlain to hold, and the sceptre with the dove to the earl of Albemarle, Mr. Henry Howard received from his majesty the sceptre with the cross, for the like purpose, which he continued to hold till near the end of the creed ; when his majesty resumed those insignia, and prepared for his descent from his throne towards the altar to receive the communion . . . .

“ And when the king returned to the fald stool, on the

\* Patent dated 27th March, 21 Car. II., creating Mr. Henry Howard, baron Howard, of Castle Rising.

† This noble manor also came to the Howards by the marriage of Thomas earl of Arundel with the lady Alatheia Talbot. In this year, 1661, Mr. Henry Howard obtained a grant for a weekly market at Worksop.—*Orig. Rec.*, 13 Car. II., rot. 18.

north side of the altar, near the chair of state, he kneeled down and laid his crown upon the cushion before him towards his right hand, and the sceptre with the dove on his left,—he again gave the sceptre with the cross to Mr. Howard, who held it, kneeling on the king's right-hand; the grand officers and the noblemen with the four swords naked and erect standing about him. Once again during the ceremony, when the king had returned to his throne and put off his crown, he delivered his sceptre with the cross to Mr. Howard.”\*

The exciting ceremony could hardly fail of its effect on a man of the temperament of Mr. Henry Howard. The proud spirit of his grandfather, the great earl of Arundel—(whose hope, whose “only remaining comfort,” he had been described)—revived within him as he beheld the gorgeous pageantry that attended the joyful event, and called to mind the rank and precedence lost to his family by the unhappy current of long passed events. The wish in him would doubtless have been father to the thought, had it not been an injunction he inherited, to embrace every opportunity of regaining for the Howards their former *status*; and now a vision of earthly grandeur was opened to his wishful gaze that out-topped the bravest in the land.

Second son of an earl, himself without rank, nevertheless he saw,—in the distance it might have been,—but still he saw—in outline distinct as truth itself—the ducal coronet of his attainted ancestor descending upon his own presumptive brow; shadow of the past with all its fatal glory!—

——— Come, let me clutch thee!  
I have thee not; but yet I see thee still  
In form as palpable:—

not rashly, however, nor with a rude hand;—he laid his

\* Baker, Chron., p. 743; Kennett, Reg. and Chron., p. 420. The services of Earl Marshal were performed by James Howard, earl of Suffolk, deputy for the occasion.

plans with care, and prepared himself to abide his—hardly perhaps his distant—time.

By the unhappy malady of the earl, his elder brother, Mr. Henry Howard was heir presumptive to the family honors; and under the settlement made by his father to meet the afflicting circumstance, he was heir of the same contingency to the estates that should maintain their splendour. One among many, it was not he individually, or to appearance prominently, but “all the Howards,” himself included,\* that united in a petition to the restored fountain of honor and grace, for a revival of the forfeited dukedom in favor of his elder brother,—the poor maniac under personal restraint at Padua. But he had been the prime mover of the appeal, and he was the person mainly interested in the result. The plan had been timely conceived, prudently conducted, and was crowned with success. The Howards once again became dukes!† The same persever-

\* The petition, says Collins, was signed by James, earl of Suffolk; Thomas, earl of Berkshire; William, viscount Stafford; Charles, lord Howard of Charlton; Edward, lord Howard of Escrick; Henry, second son of the late earl of Arundel, Surrey and Norfolk; and Charles Howard of Naworth; all lineally descended from Thomas duke of Norfolk, attainted the 15th Elizabeth; and other of the English nobility to the number of ninety-one.—*Peerage*, v. i., p. 153. The last named, afterwards earl of Carlisle, was the viscount Morpeth of Cromwell's creation: in the list of H. M. first Privy Council, he bore the title of “Col. Charles Howard,” and was returned M.P. for Cumberland.

† The following memoranda from the Journals will correct the prevailing mis-statements: 12 Car. II., 1660, Aug. 30, An Act for the restitution of the earl of Arundel to the dignity and title of duke of Norfolk, read first time; Sept. 5, second reading,—Committee appointed to examine the present condition of the earl of Arundel, and report to the House. Nov. 10 and 12, additions to the Committee. Nov. 13, The marquess of Dorchester reported the Bill, which the Committee think fit to pass, with some alterations: that the Committee had examined several witnesses concerning the present condition of the earl of Arundel; and their lordships were informed that the said earl is a perfect lunatick, and hath a constant physician with him; that he lives in the best house in Padua, and hath twelve servants to attend him, and all things fitting for his quality: and the alterations being read twice, after debate, the Bill was ordered to be re-committed; and that

ance and good judgment that had recovered to the family the long lost honor, was also directed to the emancipation of the family estates from the debts that misfortune, loyalty, and it has been said, "too sumptuous a taste for the fine arts," had contracted.

From the year 1641, the trustees of Thomas earl of Arundel had done little towards the liquidation of the dead weight that in the "broken times" had absorbed so much of the revenue of his loyal family. In 1656, however, the interference of Mr. Henry Howard became practically available, when, at his request, Henry lord Pierpoint, by the name of Henry earl of Kingston and marquess of Dorset, resigned his interest in the premises to the other his co-trustees; and in the following year the manor of Washington and the estate there, was sold.\* "Thus mat-

the lord Viscount Stafford may have a copy of the same. Nov. 19, The marquess of Dorchester reported from the Committee, the Bill as fit to pass, with some alterations and amendments; which were read twice, and the Bill ordered to be engrossed. Ordered, that a Committee do attend the king to know his majesty's pleasure concerning the passing of the Bill. Ordered, that the present condition of the earl of Arundel be referred to the former Committee, and whether his lordship may be brought into England in safety in relation to his health. Nov. 22, Bill read third time and passed. Nov. 23, Message to the Commons with the Bill, desiring their concurrence. Ordered, that the Committee concerning the earl of Arundel's business be deferred till tuesday next, in the afternoon. Dec. 4, Message from the Commons, by Charles Howard, esq., who returned a Bill for restoring the earl of Arundel, &c., to which that House had assented. Dec. 17, Ordered, that the earl of Northumberland's report concerning the earl of Arundel be made to-morrow. Dec. 29, The king present: the duke of Norfolk's Bill received the royal assent.—*Lords' Journals*, v. xi.

13 Car. II., 1661, Dec. 14, Brought up from the Committee, by the lord Herbert and others, An Act to confirm an Act for the restitution of the earl of Arundel, to the dignity and title of duke of Norfolk; read first time. Dec. 17, read the second time, and ordered to be read the third time, in the afternoon. Read accordingly. Dec. 20, Royal assent.—*Ibid*.

\* Add. MS. in B. M. Lib., No. 6705, fo. 103. Wassington, situate in the parish of Cryche, in the county of Derby, was part of the Shrewsbury estate, which came to the Howards by the marriage of Thomas earl of Arundel with the lady Alatheia Talbot.—*Lysons*.

ters stood," says Blomefield, "until the 4th November, 1660, when the trustees, jointly with and at the request of Henry Howard, esq., (who appears to have adopted the debts) conveyed the whole of the trust estate absolutely to other trustees and their heirs, to the intention that they should sell the whole or any part thereof, with the woods and timber, to raise money to pay all the debts of the said Henry Howard, with their own expenses in the affair; and that accomplished, the remaining surplus, whether in money or estates unsold, should be to the sole use of the said Henry Howard, esq. and his heirs, and of whomsoever he should assign it to."\* Whatever may have been the particular incentive to this bold measure, some decided action was not beyond the necessity of the occasion; for so clamorous had become some of the creditors, that about this time, John Dix,† representative of one of the earl of Arundel's original trustees, was sued for the payment of certain debts; and the manor of Halvergate, in the county of Norfolk, to satisfy the claim, was then conveyed to the new trustees for absolute sale.‡ A trust that had existed for nearly thirty years, through a period of great adversity and depression for the royalists and their property, involved many claims with complicated interests; and it was several years, according to Blomefield's account, before the affairs had assumed a character that might be termed a final settlement. In 1669, however, at the request of Henry Howard,

\* Blomefield, *Hist. Norf.*, v. i., p. 240.

† John Dix, alias Ramsey, of Wickmere, co. Norfolk, heir to his uncle, John Dix, deceased.—*Ib.*, v. ix., p. 28. The same Dyx, probably, to whom the countess of Arundel referred as a confidential adviser of the earl her husband.—*Ante*, p. 58, n. William Dyx, of Wickmere, esq., was one of the family trustees at the time of the attainder of Thomas duke of Norfolk, by queen Elizabeth, in 1572.—*Blomefield*, v. i., p. 201. He is said to have been steward to the duke, and much esteemed by him. A letter, commencing "Farewell, good Dyx," written on the white leaf of a new testament,—the dying memorial of an attached master,—is still extant in possession of the duke of Norfolk.—*Tiernay*, p. 355.

‡ Blomefield, *Hist. Norf.*, v. xi., p. 105.

esq., then lord Howard, all those liberties called the 'duke of Norfolk's liberties,' were allowed by the king's Attorney-General, and exemplified under seal at Westminster; and soon after, the debts being paid, the estate was again vested in the Howard family.\* The magnitude of the operation may in some degree be estimated from a statement of Evelyn, who, seven years earlier, in 1662, had made the following note in his journal:—"June 19, I went to Albury to visit Mr. Henry Howard, soon after he had procured the dukedom to be restored. This gentleman had now compounded a debt of two hundred thousand pounds, contracted by his grandfather."†

"A very proud man," by the description of Pepys, "one who valued himself on his family, and wrote his name, *Henry Howard, of Norfolk*,"‡ would hardly have remained satisfied with the merely nominal ownership of the paternal acreage that gave to his family its earliest nobility of rank, and to himself the personal distinction he was proud to adopt. But beyond the lustre that usually attends position and ancestry, Mr. Howard had some reason to be proud: his ambition had not been more ostentatious than wise; honorable to himself and advantageous to the hopes of his family. He had redeemed the credit of two generations; and in the pride of life, with those natural endowments that had borne him in cheerful contentment through adverse times, he might well have planned a future of happiness for himself unalloyed.

Leaves have their time to fall; flowers to wither;

Stars to set.....

Thou hast all seasons for thine empire, death!

In the midst of his pride and success, a domestic affliction befell him, that for a time, it is said, prostrated his energies, and, in the opinion of *one* of his "friends," proved

\* Blomefield, *Hist. Norf.*, v. i., p. 240.

† *Diary*, v. i., p. 364.

‡ *Diary*, v. iii., p. 347.

a permanent loss to his honor and his reputation.\* In this year, 1662, according to some of the authorities,—two years earlier, according to others,†—Mr. Howard had the misfortune to lose his wife, the lady Anne Somerset, mother of his young family; the eldest of five children being then eight years of age.

She should have died hereafter;

There would have been a time for such a word:

but now, on the threshold of his better fortunes, the loss was great to him; and his grief, 't is said, profound: he fell into the depth of a melancholy, that found its only relief in solitude and religious meditation. He retired, says Mr. Tiernay, to his cottage at Princenhoff, and there placed his family.‡

Let us leave him to his sorrow!

\* Evelyn.

† Sandford, Edmondson, and some others, state the death of the lady Anne Howard to have occurred in 1660; Collins, his editors, and followers, in 1662; Sir William Dugdale, Garter king of Arms, who was indebted to the husband of the lady for his advancement, says nothing, either in his printed work or in his MS. additions. Sir Edward Walker, the predecessor of Dugdale in that office, biographer of Thomas earl of Arundel, and brought up in his service; who shared the loyalty of his house in action and in exile, made no record that has come to light: and as to the diversity of date, the fact appears to be, that the pedigrees of Howard and Somerset differ in their statement; so that a valuable pedigree of the Howard family, compiled from Heraldic sources, adopting the statement of each, represents the death of the lady Anne Howard to have occurred in both the years above mentioned.—*Egerton MS. in B. M. Lib., No. 1075.*

‡ Hist. of Arundel, p. 515. The place of sepulture of the lady Anne Howard is even more undetermined than the date of her decease; for none of the authorities furnish any information. There is no record of her burial among the Howards; nor any inscribed memorial of her virtues or her husband's grief; the gossiping diarists even are silent; and the only portrait of her known to exist, is an oval miniature, one of a group of portraits, on panel, of members of the Howard family, formerly belonging to the Dominican Convent of Bornholm, founded by Cardinal Howard. A tablet, in fact, of *Founder's kin*, whose *obits*, probably, were to be observed in the prayers of the house. It is now in possession of the duke of Norfolk.—*Family Memorials, by Henry Howard of Corby, esq., fol. 1836.*

## CHAPTER III.

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Master Shallow, I am fortune's steward;  
Get on thy boots.

And what is fame? The meanest have their day.  
The greatest can but blaze, and pass away.

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THE DUCAL LINE—*continued.*

It matters little to the progress of this narrative whether Mr. Henry Howard became a widower in the year 1660 or two years later, excepting as it may affect the traditions of his family, or the presentation of attendant circumstances by the several narrators.\* Credit may indeed be given to the mourner for a seasonable allowance of inward grief, beyond the display of an "inky cloak" or the "customary suit of solemn black;" but it is contrary to the evidence of facts, that in either of the years named, Mr. Henry Howard buried himself from the intercourse of the world without; or that he took so little interest in obtaining the restitution of the family honors, as merely to add his name to the petition to the king, and hasten on a foreign pilgrimage, like Harold from his rooted sorrow.† On the contrary, his presence at the coronation was followed by his public interference on behalf of his depressed brethren of the Romish faith; and if he had not already become the active head of the catholic party, his position and prospects made

\* Tiernay, *Hist. Arundel*; Collins, *Peerage*, ed. Sir Egerton Brydges; *Fam. Mem.* by Henry Howard of Corby, esq.; &c. &c.

† *Peerage*, by the Rev. Alexander Jacob, chaplain to the duke of Chandos, *fol.* 1766, v. i., p. 122.

him its centre, and his roof the rallying point of its congregated action. A meeting of Roman catholics at Arundel House, in June, 1661,\* sanctioned the earliest appeal to the restored monarchy, for the toleration of their creed; and the restoration of the dukedom to his imbecile brother, which rallied around him sycophants and flatterers that rank and influence always breed,† was followed by the

\* Tiernay, Hist. Arundel. On the 21st June, Sir Samuel Tuke, (a pervert to the church of Rome) at the bar of the House of Commons, delivered two papers, and made a long speech on behalf of the Roman catholics. The petition, in which the petitioners "take hold of the king's declaration for a general indulgence," will be found in *Kennett, Reg. & Chron.*, p. 476. Lord Arundel, of Wardour, presented likewise "two papers," and was the agent of the movement in the Lords.—*Ib.*

† Evelyn, who dined at Arundel House the day of the great success, took that occasion for presenting his "little trifle of Sumptuary laws, entitled *Tyrannus*."—*Diary*, v. i., p. 353.

As the work was issued without dedication, its pages must be examined to entitle its author to the honors of the text.

*Tyrannus or The Mode*, published in this year, 1661, was "A gentle Satyr," in which the writer "indulged himself the liberty of a prevaricator," and reproached his countrymen for their submission to the French *Mode* in dress. "That the *monsieurs*" he writes, "have universally gotten the ascendant over other parts of Europe, is imputable to their late conquests; but that only their greatest vanity should domineer over this kingdome, speaks us strangely tame. . . . . That his majesty speaks French, is not so much to gratify the nation, as *because he has title to it*; for though Louis the Fourteenth be the *French king*, Charles the Second is *king of France*; &c."

Having thus bombasted the English heraldic lion (starved in the late wars) with the lilly flowers of her neighbour's shield, Evelyn proceeds to advocate the ease and gracefulness of the Persian costume over that of the Court gallant in his "stiff pasteboard vest, with as much ribbon about him as would dress a maypole;" and, anon, returning to the courtier's office—adds, that "Those who followed the great Alexander held their necks awry, because he most inclined it on one side; and when his father Philip wore a fillet about his forehead for a wound he had received, all the Court came abroad with the like till the cure was compleat; but *we have a prince whose shape is elegant and perfect to admiration, so as I know not whether there was ever upon the throne a personage who had less need of art to render him more graceful, and whose mien makes all things to become him*; and therefore certainly (of all the princes of Europe) the most fit to give the

more honorable advances of the Templars, who, associating him in distinguished companionship with the prince Rupert and other valiant cavaliers, conferred on him the honor of their brotherhood.\* The interval also had been passed in a manner not less gratifying to his pride than distant from the passion of the recluse.

It had been the custom, in times ago, for the earl of Arundel to "keep his state" for some portion of the year,

standard now to the *Mode* we next expect, and not only to this *nation*, but to all the *world* besides. Alas!—

'Twas never merry world,  
Since lowly feigning was called compliment;

and sorry 'tis to see a man of unquestionable talent so far "surcease to honor his own truth," as to become a mere "sponge—to soak up the king's countenance." But of all Charles's foibles, least of his Court, perhaps was he susceptible of personal vanity; and several years had elapsed ere his majesty aspired to the deposition of the most christian king in the "tyranny of the *Mode*." "1666. October 18. To Court," writes Evelyn, "it being the first time his majesty put himself solemnly into the Eastern fashion, changing doublet, stiff collar, bands and cloak, into a comely dress after the Persian *Mode*, with girdles or straps, &c.—resolving never to alter it."—(*Diary*, v. ii., p. 17.)—But his courtiers wagered with him to the contrary; and—*they won!*

Evelyn had given his "Satyr" to the king to read. "*I do not impute to this discourse,*" he adds, "the change which soon happened, but it was an identity that I could not but take notice of."—*Ib.*, p. 18.

\* Nov. 4, 1661, Prince Rupert, the earl of Cleveland, the lord Percy, the lord Berkeley of Stratton, with Henry and Bernard Howard of Norfolk, were admitted to the Society of the Inner Temple.—*Dugd., Orig. Jurid.*, p. 158; *Kennett*, p. 555. Thomas lord Wentworth, of Nettlested, co. York, created earl of Cleveland by king Charles I., was a valiant cavalry officer, whose brigade had many a desperate encounter with the parliamentary troops. He died in 1667, when the earldom became extinct. His son, Thomas lord Wentworth, and son-in-law, the lord Lovelace, were likewise in the same service. Sir John Berkeley, the valiant defender of Exeter for the king, youngest of the five knightly sons of Sir Maurice Berkeley of Bruton, was created lord Berkeley of Stratton, by Charles the Second. He died in 1678. Josefine lord Percy, was son and heir of Algernon, earl of Northumberland and his second countess, Elizabeth, daughter of Theophilus Howard, earl of Suffolk, at this time about eighteen years of age. He was the last Percy, earl of Northumberland, and died at Turin in 1670, at the age of thirty-six.

at the ducal palace at Norwich; but twenty years had elapsed since the sounds of revelry had been there heard, or the ancient city had beheld the pageantry of its noble patrons. Mr. Howard was early to renew the acquaintance, and the city to acknowledge obligations received. From the records of the Corporation, Blomefield recites: "1660, August 29, the city having sent a letter to the right honorable Henry Howard, son of the late earl of Arundel, acknowledging the many favors of his ancestors, and his own particular favor conferred upon them in introducing them to his majesty, and attending them as one of them,\* this day received an answer assuring them that on all occasions he should take satisfaction in doing the city, or any particular member thereof, all the service he could, being ready at all times to stand up for the city's good.†

The following year, continues Blomefield, "when the earl of Arundel was restored to be duke of Norfolk, orders were issued to every parish to ring the bells, to testify this city's rejoicing for the same, out of respect to this noble family;‡ and Mr. Howard acknowledged the mark of respect by a free gift of seventy pounds to the corporation funds.§

In the summer of that year Mr. Howard was keeping open house at Albury. On the 19th June, Evelyn was there; and after making a note of the composition of the earl of Arundel's debts by Mr. Howard, he adds, "I was very much obliged to that great virtuoso; and to this young gentleman, with whom I staid a fortnight.

\* The Norwich address was presented on the 24th July. Kennett relates that the Mayor and citizens, on that occasion, presented his majesty with the fee farm rents of the city under their common seal, amounting to £132 18s. 3d. yearly, and £1000 in gold, as a testimony of their thankfulness to God for his majesty's safe return to the government of the kingdom. —*Reg. & Chron.*, p. 210.

† Blomefield, *Hist. Norf.*, v. iii., p. 404.

‡ *Ibid.*

§ *Ibid.*

"July 2. We hunted and killed a buck in the park ; Mr. Howard inviting most of the gentlemen of the country near him."\*

On the 3rd July, the fortnight had expired ; the visitor took his leave, and his host accompanied him on the way.

"My wife met me at Woodcot," writes Evelyn, "whither Mr. Howard accompanied me to see my son John, who had been much brought up amongst Mr. Howard's children at Arundel House ; till for fear of their perverting him in the catholic religion I was forced to take him home."†

On the 1st of August the visit was returned : "Mr. Howard, his brothers Charles, Edward, Bernard and Philip, now the queen's Almoner, (all brothers of the duke of Norfolk, still in Italy) came with a great train and dined with me ; Mr. H. Howard leaving with me his eldest and youngest sons, Henry and Thomas, for three or four days, *my son John having been some time bred up in their father's house.*"‡

In this continuous series of proceedings, for business or for pleasure, there could have been no long retirement from the world, or any useless inaction or despondency. On the contrary, to a man of action the time for action had arrived ; and however the manly sorrow of the heart may have furrowed his brow, one so ambitious of honor and proud of station, so prudent a financier, a parent so careful, so sad a mourner, was hardly likely to abandon himself, on the one hand, to a hopeless despair, or on the other, to trample wantonly on the conventional decencies of social life : yet, if it be an ordinary law of nature that in the cycle of events extremes shall meet, it may become within the possibility of things that excess of grief shall lead to the recklessness

\* Diary, v. i., p. 364.

† *Ib.*, p. 365. How long previously Evelyn's protestant fears had overcome his vanity does not appear ; but at this time John Evelyn was eight years old, and Mr. Howard's eldest son of the same age.

‡ Diary, v. i., p. 366.

of folly; and were credit to be given to the *caqueterie* of Evelyn, the regenerated mourner ran riot in the licentiousness of an abandoned Court.

The leave-taking described was perhaps indicative of a home disturbed—a household broken up; and young as they were, the two sons of Mr. Howard, under the charge of a tutor, were about to proceed to Paris. Evelyn, who was consulted on the matter, had an opportunity of exercising a little patronage,\* and in the following year, when Mr. Howard had himself sought foreign scenes, the same diarist made a note: “1664, July 14th. I went to take leave of the two Mr. Howards, now going for Paris, and brought them as far as Bromley.”†

\* In a letter to Mr. Croone, professor of Rhetoric at Gresham College, dated from Saye's Court, July 11th, 1663, Evelyn writes: “It has neither proceeded from the unmindfulness of your desires or your deserts that I had not long before this gratified your inclinations in finding you out a condition, which it might become you to embrace, if you still continue your laudable curiosity, by wishing for some opportunity to travel and see the world. There have passed occasions, (and some which did nearly concern my relations) when I might happily have engaged you; but having long had a great ambition to serve you, since I had this in prospect, I rather chose to dispense with my own advantages that I might comply with yours. My worthy and most noble master, Mr. Henry Howard, has, by my cousin Tuke, signified to me his desires of some fit person to instruct and travel with his two incomparable children; and I immediately suggested Mr. Croone to them, with such recommendations and civilities as were due to his merits, and as became me. This being cheerfully embraced on their part, it will now be yours to second it. All I shall say for your present encouragement is but this: England shall never present you with an equal opportunity; nor were it the least diminution that Mr. Croone, or indeed one of the best gentlemen of the nation, should have the tuition of an heir to the duke of Norfolk, after the royal family the greatest prince in it. But the title is not the thing I should invite you to, in an age so universally depraved amongst our wretched nobility. You will here come into a most opulent worthy family, and in which I prognosticate (and I have it assured me) you shall make your fortune, without any further dependances: for the persons who govern there have both the means to be very grateful, and as generous a propensity to it as any family in England .....

.....”—*Diary and Correspondence*, v. iii., p. 138.

† *Diary*, v. i., p. 380.

In 1663, Mr. Howard paid, probably, his first state visit to Norwich. He dined in public with the Mayor and Corporation on the gild-day;\* and on that occasion presented the city with "a bason and ewer worth sixty pounds."†

That was a great day in St. Andrew's Hall: a new era had commenced with the "miraculous" restoration of the monarchy,‡ and the re-erection of the monarchical emblems: the "dark days" of puritan rule had given place to a relumined municipality that shone the more brilliant from the contrast; and the donation of Mr. Howard seemed to say, "let us wash our hands of the past," and go forward in loyalty, and faith in the future. The loving cup cemented the pleasing compact; Mr. Mayor complimented his guest on the happiness of renewed intercourse with a noble family, to whose princely hospitality and patronage the city had of yore been so much indebted; and recalled the time when the noble hall in which they were assembled had been derived to the city by the intervention of his illustrious ancestor. On his part, the happy guest gave promise of all that might be desired—(and much he performed)—the impulse of an excited and expansive imagination had already planned great things for Norwich; indeed, wherever fate or fortune led him, whether as an exile from his native land, to erect a humble cottage for his moderated expectations, or under brighter circumstances to become tenant of a palace in the city of his ancestral pride, an active spirit was ever stirring within him. Albury received his earliest attention: a new palace, (never to be erected!) on the site of Arundel House had been plotted and designed: and

\* Tuesday before midsummer.—*Blomefield*.

† *Ibid*, v. iii., p. 405. It is gratifying to be able to state that the "Howard plate" is still retained by the Corporation, among the valuable ornaments of the side-board, on the festivities of the mayoralty; that having survived the vicissitudes of nearly two centuries, there was sufficient conservative reverence for antiquity to resist the sordid utilitarian temptations of the melting-pot that accompanied the municipal re-formation of our own day.

‡ City Records.—*Ibid*.

now the ducal palace at Norwich, extensive, without convenience; vast, without magnificence (and *comfort* had not as yet in these lands invaded the fanciful regions of luxury)—suggested to his enlarged views, alterations necessary to his wants, if not improvements dictated by taste. It is even to be suspected that his natural generosity, had even anticipated, in some degree, the philanthropy of modern times, in providing an elegant promenade and recreation ground for the entertainment of his friends and neighbours. Writing, towards the end of the same year, a native journalist observes, "This Mr. Howard hath lately bought a piece of ground of Mr. Mingay, in Norwich, by the water side, in Cunsford, which hee intends for a place of walking and recreation, having made already walkes round and crosse it forty foot in bredth: if the quadrangle left be spacious enough, he intends the first of them for a bowling green;\* the third for a wilderness; and the fourth for a garden.† These and the like noble things he performeth, and yet hath paid one hundred thousand pounds of his ancestors' debts."‡

Here also Mr. Howard kept his Christmas, with the true old English hospitality, and a grandeur that became the noble house he represented, and the high station to which himself aspired. Some particulars of these Norwich revels have been preserved by the journalist last quoted, a participator of the festive scene.

"January 1, 166 $\frac{3}{4}$ ," writes the young physician, "I was at Mr. Howard's, brother to the duke of Norfolk, who kept his Christmas this year at the duke's palace in Norwich, so magnificently as the like hath scarce been seen. They

\* There was a covered "bowling alley," as well as a tennis court and a theatre, attached to the ducal palace; "among private houses," says Fuller, "the greatest I ever saw in any city out of London."—*Engl. Worthies*.

† Some progress had already been made in it: "January 16, 166 $\frac{3}{4}$ , I went to see Mr. Howard's garden at Cunsford."—*Browne's Journal*. It was long afterwards known as "My lord's gardens."

‡ Journal of Edward Browne.—*Sloan MS. in B. M. Lib., No. 1906*.

had dancing every night, and gave entertainments to all that would come. Hee built up a roome on purpose to dance in, very large, and hung with the bravest hangings I ever saw; his candlesticks, snuffers, tongues, fireshovels and andirons, were silver. A banquet was given every night after dancing; and three coaches were employed to fetch ladies every afternoon, the greatest of which would holde fourteen persons, and coste five hundred pound without the harnasse, which cost six score more.

"January 4. I went to Mr. Howard's dancing at night; our greatest beautys were Mdm. Elizabeth Cradock, Eliz. Houghton, Ms. Philpot, Ms. Yallop: afterwards to the banquet, and so home. *Sic transit gloria mundi!*

"January 5, Tuesday. I dined with Mr. Howard, where wee dranke out of pure golde, and had the music all the while,\* with the like, aunswerable to the grandeur of so noble a person. This night I danced with him too.

"January 6. I made an ende at Christmas at the duke's palace, with dancing at night, and a great banquet. His gates were open and such a number of people flock'd in, that all the beere they could set out in the streets, could not divert the stream of the multitudes till very late at night."†

*Hic finis, &c.* But such had been the effect of the beauty of the ladies on the sensitive journalist, that he had been brought to a Latin climax ere the festivities had well begun.‡ There was yet a birthday to be celebrated, an

\* Mr. Howard was a patron of music and its professors: "1662, Jan. 11. I dined at Arundel House," writes Evelyn, "where I heard excellent music performed by the ablest masters, both French and English, on theorbos, viols, organs, and voices, as an exercise against the coming of the queen, purposely composed for her chapel."—*Diary*, v. i., p. 360.

† Edward Browne's Journal. Printed in *Sir Thomas Browne's Works*.

‡ Mr. Browne's gallantry, however, and his admiration of the fair sex, was rather patriotic than universal. A few months later he visited *la belle France*. "I was not sick at all," he writes, "in going over from Dover to Calais; yet could hardly forbear *sp—ing* at the first sight of the

interchange of visits to be undergone, and further opportunities for the display of his excellent constitution of leg in a galliard. Let us imagine the embryo Court *médecin* advancing his virtues in a flame-coloured stock, attended by "little Mr. Fox, (heir to Mr. Fox, of London) who danced a jig incomparably;" and "Mons. Buttet, which plays most admirably on the flagellet, bagpipe and *sea trumpet*."\*

"January 11. This day being Mr. Henry Howard's birthday,† we danced at Mr. Howard's till two of the clock in the morning.

"January 13. This day I met Mr. Howard at my uncle Bendish's, where he taught me to play at *l'hombre*, a Spanish game at cards."

On the 21st January, the young physician shewed Dr. de Veau about the town, and supped with him at the duke's palace; where, adds the journalist, "he shewed me a powder against agues,‡ and related to mee many things concerning the duke of Norfolk that lives at Padua *non compos mentis*."

On the 23rd, Don Francisco de Melo§ arrived from French women." He was no admirer of *les belles et charmantes brunettes*: "they are most of them," he adds, "of such a tawny, sapy, base complexion, and have such vgly faces, which they here set out with a dresse that would fright the divell."—*Journal*.

\* "A long three-square instrument having but one string."—*Browne*. An old writer affords the following description: "La trompette marine, est une instrument de musique haut de quatre ou cinq piez, triangulaire, ou rond d'une forme qui tient de la piramidale, composé d'un ou de deux chevalets d'une corde, d'une rose ou deux, d'un manche et d'un corps de bois résonnant, qui se touche avec l'archet et qui imite les chants et les sons de la trompette ordinaire." Mr. Buttet's abilities are not to be slightly appreciated, for the writer adds: "Il y a peu d'hommes qui jouent bien de la trompette marine."—*Richelet, Dict.* 1693.

† Eldest son of Mr. Henry Howard, then ten years of age.

‡ Fuller tells that the Norfolk proverb, "He is arrested by the baily of Marshland," had reference to the prevalence of agues in that county.—*Engl. Worthies*.

§ Conde de Ponte, Ambassador from the Court of Portugal. He came

London, with Mr. Philip Howard, the queen's confessor, on a visit to his honor, Mr. Henry Howard.

"January 28. At night wee had a dancing at Mr. Houghton's, with Mr. Henry Howard, his brother Mr. Edward, and Don Francisco de Melo. Wee had sixe very handsome women, Ms. El. Houghton, Ms. El. Cradock, Ms. Philpot, Ms. Bullock, Ms. Shadwell, and Ms. Tom Brooke; wee staid at it till almost four in the morning.

"February 13. Wee drew Valentines,\* and danced

into England, says Rugge, in 1662, (at the same time as the queen's majesty,) with a noble retinue, and lay at Wild House, in Wild Street, neere Lincoln's-Inn-Fields.—*MS. Diary*, v. ii., p. 343. Evelyn says, he was a kinsman of the queen; a person of good parts and a virtuous man.—*Diary*, v. ii., pp. 23, 81.

\* Misson, in his travels in England, cited by Brand (*Pop. Antiq.*) describes the custom of drawing for Valentines on the eve of the Saint; and the eve is still observed at Norwich with much ceremony. Pepys, frivolous and happy, who enjoyed life in all its phases, writes: "1661, Feb. 13. We chose valentines against to-morrow."—*Diary*, v. i., p. 191. The custom was for each person of the company to draw a real or fictitious character (and of the former, as it seems, present or absent) of the opposite sex, by which means Cupid's election made a double return. This happy position is noticed by Pepys, who writes, that although little Will. Mercer was his wife's valentine, (who brought her name writ upon blue paper in gold letters, done by himself, very pretty); yet he also was her valentine, and that it would cost him *four or five pounds*.—*Diary*, v. iii., p. 403. On Shrove Tuesday, March 3, 1663, he notes: "Mrs. The. shewed me my name upon her breast as her valentine, which will cost me 20s."—*Ib.*, v. ii., p. 123. On another occasion, his wife challenged Mr. Hill for her valentine, having drawn him; and "by and by comes Mrs. Pierce with my name in her bosom for her valentine, which will cost me money."—*Ib.*, v. iii., p. 157. In 1667, "I find," says the journalist, "that Mrs. Pierce's little girl is my valentine, she having drawn me."—*Ib.*, v. iii., p. 404. At the same time, Knipp challenged him for her valentine; and after that, perhaps some understanding with Mrs. P. became necessary; hence he notes that "he had agreed to be his wife's valentine every year."—*Ib.*, v. iv., p. 354. Nevertheless, he gracefully fulfilled his honorable engagements; and, when his cousin Turner drew him the following year, he took her to the new Exchange and bought her a pair of green silk stockings and garters and shoe strings, and two pairs of jessimy gloves, all coming to about 28 shillings.—*Ib.*, v. v., p. 112.

As the valentine, in a former age, was certainly equivalent to an affianced lover (See *Paston Letters*, v. ii., pp. 208, 210) the gift was in the nature

this night at Mr. Howard's. Hee was gat by Ms. Liddy Houghton, and my sister Betty by him."\*

Pleasure and study had gone hand in hand with Mr.

of a penalty for breach of promise. Sir Richard Deering places among his expenses for the year 1651, "twelve pairs of gloves given my valentine, lady Palmer, £1 12 0.—*Household Book*. By custom, the valentine must "redeem his mistress, that is to say, make her a present before Midlent Sunday, or he would be burnt in effigy on that day."—*Hampson, Medii Ævi Kal.*, v. i., p. 163. On the 18th February, 1660, Pepys, to redeem his pledge, accompanied by his wife, took his valentine, Mrs. Martha Batten, to the Exchange, and there, upon a payre of embroydered and six payre of plain white gloves, he laid out forty shillings upon her; and on the 24th, he notes: "My valentine had her fine gloves on at church to-day that I did give her."—*Diary*, v. i., p. 194. Where the lady was mercenary, the redemption assumed costly proportions. In noticing Mrs. Stuart's jewels, Pepys says, "The duke of York, being once her valentine, did give her a jewel of above *eight hundred pounds*; and my lord Mandeville, her valentine this year, a ring of about *three hundred pounds*."—*Ib.*, v. iv., p. 25.

Mr. Hampson tells that on some account or other, St. Valentine's Eve incurred the displeasure of the Puritans, by whom, with other remnants of popery, it was solemnly denounced.—*Medii Ævi Kal.*, *ut supra*.

\* Browne's Journal.—*Sloan MS. in B. M. Lib.*, No. 1906. Mr. Edward Browne was son of Dr. Thomas Browne, of Norwich, afterwards knighted, author of several well known works. At this period, Mr. Edward Browne was about twenty-two years of age, and just commencing the practice of his father's profession. On the 16th February, he notes: "I went to visit Mr. Edward Ward, an old man in a fever, where Mrs. Anne Ward gave me my first fee, ten shillings." The memoranda of his Christmas gaieties are interwoven with notes of his professional studies: "January 2, I cut up a bull's heart and took out the bone, &c. Jan. 7, I opened a dog. Jan. 9, I dissected another bull's heart. Jan. 12, I cut up a turkey's heart. Jan. 22, I went to Lowe's, the butcher, where I saw a sheep cut up. Jan. 23, I boyled the right fore-foot of a munkey, and took out all the bones, which I keep by mee. In a putbone, the unfortunate casts are outward, the fortunate inward. Jan. 28, I went to the butcher's to see oxen killed. Jan. 29, I cut up an hare, &c. &c." Mr. Browne took his degree of M.D. at Cambridge; became Court physician, and in the judgment of Charles the Second, was "as learned as any of the College, and as well bred as any at Court." With this reputation he became physician to Bartholomew's Hospital, and President of the College of Physicians. A recent biographer says, "his remarks are distinguished by their accuracy, and have stood the test of time."—*Rose, Biog. Dict.* Dr. Edward Browne died at Greenhithe, in Kent, August 27, 1708.—*Annals of Q. Anne*.

Browne, and having absorbed all the surgical knowledge to be acquired of the butchers in Norwich, he prepared for rather a hasty course of study in the metropolis. On the 22nd February he set out for his journey to London, where he attended three anatomy lectures at Chirurgeons' Hall; ate for his dinner "a Wood-street cake, which are famous for being well made;"\* and on the 2nd March, having received from Mr. Fox, at Arundel House (father of the incomparable jigmaker) letters for his honor, Mr. Henry Howard, at Norwich, he took horse at the George, in Lombard-street,† and gat to Chelmsford that night, travelling twenty-five miles through that pleasant county, Essex,‡ acquiring knowledge by the way.‡ On the 4th March, he continues, "I gat to Norwich about eleven of the clock, and in the afternoon waited upon Mr. Howard, and delivered to him his letters."§

It is not proposed to put in evidence that correspondence. It will be sufficient to suggest that one of those letters probably called Mr. Howard thence; and within a week the festivities of the ducal palace had given place to suites of dreary oak-panelled apartments unoccupied; a "Pranketing room," desolate of revelry; and chambers with their ceiled and "foulding bedsteads standing on yellow leather car-

\* Great Wood Street (Cheapside) is a street well built and inhabited, and noted for the good cakes here made; which are wont to be bought here for weddings, christenings, and twelfthnights.—*Stow, Survey of London*, B. iii., p. 91, ed. *Strype*.

† An ancient inn, mentioned by Stow as a common hostelry for travellers. It was burnt down at the fire of London; and after its restoration, associating, not the *Phoenix* as an emblem of its revival; but of the destroying element, merciless in its ravages, it became known as the *George and Vulture*; which has been lately rebuilt for private uses; and the inn yard alone marks the locality and preserves the name of the ancient *George*.

‡ His "country remedy" for the jaundice surpasses even his own "magical cure" for the same complaint, and perhaps equals anything to be found in the unreformed *Pharmacopæia* of the College or the Dispensary of the empiric.

§ Browne's Journal.—*Sloan MS.*

pets," tenantless of sleepers. On the 10th of the month Mr. Browne was examining the closet of the absent owner, where he saw a great number of delicate limnings, numerous articles of taste, and many choice and some matchless carvings in ivory, agate and other fine stones, worthy so noble a person's collection.

Another letter, perhaps, was from his friend, the Count Lesley, with an invitation to foreign travel: a rare opportunity, arising out of the politics of the day, offering the convenience of visiting scenes of more than ordinary interest.

Modern history furnishes parallels of Machiavelian policy that were wanting to ancient chivalry or the simple prowess of arms. A conqueror might, and did usually, dictate to his enemy: the exception has been reserved for emperors alone, (of great and noble minds!) upon the field of conquest, to sue for peace. Thus the victory of St. Gothard, gained by the general de Montecuculi over the Turkish army, had only been productive of negotiation; and a magnificent embassy, with the count Lesley at its head, was about to be dispatched by the emperor Leopold to Constantinople, for the purpose of adjusting the terms of a lasting peace.\* The count Lesley† had been known to

\* Mahomet does not appear to have been very desirous to treat. After two months, occupied in negotiation, the embassy returned with a truce for twenty years.

† Walter count Lesley, was a scion of the ancient baronial Scottish house of that name, whereof several members distinguished themselves and acquired additional honors in the service of the Stuart kings, Charles the First and Second, namely, John, duke of Rothes, Alexander, earl of Leven, Patrick, baron Lindores, and David, baron Newark.

Walter Lesley was born in 1606, and at an early age went to Germany, where he carried arms in the service of the emperor, and was rewarded with the rank of Field Marshal; became a Counsellor of State, and a Count of the empire. The count Lesley died at Vienna 4th March, 1667, at the age of sixty-two. An account of his embassy to Constantinople was written by his confessor, the Jesuit, Paul Tafferner.—*Bayle, Dict. Historique.*

Besides the ancient friendship, there was a family connection. Alexander

Thomas earl of Arundel while a sojourner in Germany; an intimacy had grown up between them; and the grandson of the earl now gladly availed himself of the ancient friendship to accompany the ambassador, and gratify a desire of seeing the capital of the eastern world.\* In addition to the kettle-drums and trumpets that attended the cavalcade, Mr. Howard had his own recorder† to note the passing scene. The honorable treatment he received at the Imperial Court, and the distinction with which he was everywhere entertained, have been the subject of an able pen; and some years later was given to the public with a dedication to his son.‡ From the relation of Mr. Burbury, it is ascertained that the distinguished traveller, in company with his noble brother, Mr. Edward Howard, set forward from London on Tuesday, the 21st February, 1664,§ about one of the clock in the morning, and arrived at Dover that night, on his way to Vienna. The month of May had arrived, before the embassy, with its two hundred waggon loads of baggage for convenience or display, was prepared to start: it was September ere they reached the capital of the Sultan, and the 21st December when the travellers bade adieu to the mysterious fascination of the city of eastern romance.

In March, 1665, the embassy had returned to Vienna, and Mr. Howard proceeded direct to London, in a frame of mind invigorated by travel, and excited by the adulation he had received. If for the moment he became the observed of all observers at the gay Court of his own sovereign, it

Lesley, second earl of Leven, who died in 1664, married Margaret, daughter of Sir William Howard, brother of Charles Howard created earl of Carlisle.

\* Collins, *Peerage*, v. i.; Tiernay, *Hist. of Arundel*.

† *Hamlet*, act iii., sc. 2.

‡ Relation of a journey of the Right honorable my lord Henry Howard, from London to Vienna, and thence to Constantinople, in the company of count Lesley, Knight of the Order of the Golden Fleece. Dedicated to the honorable Henry Howard, eldest son of my lord Henry Howard. By John Burbury, Gent., 1671. At the date of the Journey, these honorable titles would not apply.

§ 1664.

could only have been the natural result of the expedition he had undertaken, the dangers he had encountered, and the marvels he had witnessed at the Court of the Sultan, Mahomet the Fourth. Had his disposition been of that indiscreet and frivolous order that flutters in intrigue, doubtless with the *prestige* he had acquired, he might have contested, not without a prospect of success, some one of the fair—and frail—prizes, for whom many sighed and some fought. But his ambition was not of that ephemeral cast; however much he courted honors or valued the position of his ancestors, Mr. Henry Howard was not deficient of those natural domestic qualities that could appreciate the sterling happiness of a virtuous home beyond the pleasures of a life at Court,—a feature most observable throughout his life. Besides, had he honors in the probability of the future, they were not of the present; and much as he had husbanded the resources of his family, his wealth was dependent on the same contingency. Indeed, ten years later,—still waiting in expectancy his presumptive inheritance, and restrained in his generous sympathy with the ambitious views of his kindred,—he wrote to his brother the Cardinal: “You know my condition, and how I am tied up with entails, &c., whilst the duke of Norfolk lives, who is likelier to do so longer than I, else I had more elbow room.”\* It was not, therefore, without his usual cast of prudence, or an eye to the domestic happiness he sought, and appears to have found,—that he made his selection and told his second tale of love in secret. Like Sir Peter Teazle, he chose with caution, but, unlike that antiquated fop, he was not deceived in the result. The tie that bound him at the beginning, increased in faith with his years, and ended in entire confidence or uxorious submission.

From the time when the lord Hamlet became enamoured

\* Orig. at Norfolk House.—*Tiernay, Hist. of Arundel.*

of the fair daughter of the chamberlain of his uncle's royal Court of Denmark, dramatists with happier results, have rejoiced in the portraiture of maidens of lowly birth, with beauty for their only dowry, receiving the honors that nature had formed them to adorn. There is no novelty, therefore, nor any new or striking effect to be drawn from the simple fact, that Mr. Henry Howard, a widower in the thirty-seventh year of his age, "fell into such a liking," as honest Izaak would have said, "as, with her approbation, ripened into a love—and at last to a marriage too—with a young gentlewoman,"—whose father held an appointment in the royal household.

The intimate relations of the Howards with the wine cellar have been referred to, and are unquestionable. In this particular, whether the manor of Kenninghall may be chargeable with the introduction of Mr. Howard to the family of his deputy in the service of the *Boteltry*, it is needless to inquire; but the young lady is described to have been daughter of Robert Bickerton, esq., or as some say, Sir Robert Bickerton,\*—gentleman of the wine cellar to his majesty king Charles the Second;† and her grandfather was James Bickerton, esq., lord of Cashe, in the kingdom of Scotland.

Such was the lady in rank and lineage. If the alliance required apology, it had been anticipated by Walton, on the occasion quoted; for "love," quoth he, "is a flattering mischief, that hath denied aged and wise men a foresight of those evils that too often prove to be the children of that blind father,—a passion that carries us to commit errors

\* Henry Howard of Corby, esq.—*Family Memorials*, 1836.

† "Sometime yeoman of the cellar at Whitehall, or some such office."—*Egerton MS.*, 1075. Her mother was Amice, daughter of Robert Hester, of the county of Oxford, gentleman, and his wife Amice, daughter of Richard Andrews, gent. Her paternal grandmother, Anne, daughter of Geoffrey Stanhowe, of the county of Norfolk, esq.—*Ibid.* The same MS. gives the coat of Bickerton, viz., *Az. an eagle displayed gu. beaked S.*

with as much ease as whirlwinds remove feathers, and begets in us an unwearied industry to the attainment of what we desire.”\* In the present case, however, the apology had not the same obligation of necessity; Mr. Howard had none to consult in duty,—or in opinion, save the voice of cast, which he might either brave or deceive;—it might be that, for a season, he found it convenient to adopt the latter course.

Mrs. Jane Bickerton was a young lady of surpassing beauty, in the twenty-first year of her age, when, in 1665, she became the *fiancée* of Mr. Henry Howard. As duchess of Norfolk, her portrait was painted by that celebrated ladies’ artist, Sir Peter Lely, and testifies great nature’s claim to the station she acquired.†

For reasons that have not been explained, but may perhaps be obvious in the condition of his affairs, his ambitious views at Court and a political deference to its social atmosphere, (particularly if his majesty had advised on the matter) Mr. Howard thought it convenient to keep his domestic arrangements, for several years, a secret from the world. If there be truth in the “scandalous story, which Evelyn, and I believe,” says Mr. Tiernay, “Evelyn alone, has given to the world,”‡ he even found it necessary or advisable to reverse the injunction of Hamlet:—

Assume a virtue if you have it not;

and to affect a character to his “friend” belied by his own actions and his own written words.

\* Life of Dr. Donne, dean of St. Paul’s.

† A beautiful engraving, from the painting of Sir Peter Lely, bears the name of Richard Collin, chalcog. regis, sc. Bruxelles, 1681.—*Grainger, Biog. Hist.* Another, from the burine of Adam Bloteling, has the same place and date. The tablet of Founders kin, from the convent of Bornholm, before described, (p. 118,) which contains miniatures of Henry duke of Norfolk and his two wives, represents the second duchess “with a bushy head-dress of hair and flowing locks over her shoulders.”—*Mem. of the Howard Fam. by Henry Howard of Corby, esq.*

‡ Hist. of Arundel.

Six years had elapsed, and Mr. Howard had been advanced to the peerage, when Evelyn became the confidential recipient of the idle talk, which ("my lord and I, being alone," he says,) "he alone has given to the world." "Discoursing of several of his affairs," writes Evelyn, my lord told me, "that though he kept that idle creature, Mrs. B., and would leave £200 a year to the son he had by her, he would never marry her; and that the king himself had cautioned him against it.\* *All the world knows how he kept this promise*; and I was sorry at heart to hear what now he confessed to me; and that a person and a family which I so much honored for the sake of that noble and illustrious friend of mine, his grandfather, should dishonor and pollute them both with those base and vicious courses he of late had taken, since the death of Sir Samuel Tuke,† and that of his own virtuous lady (my lady Anne

\* Charles the Second possessed greater discrimination, and more integrity in respect of women, than is usually attributed to him. If the king had not cautioned his brother, the duke of York, in reference to his entanglement with the "scraggy" Anne Hyde, he nevertheless insisted, that "he must drink as he had brewed;" and they were privately married at Worcester House, about a month before the birth of the eldest son; "*having been contracted*," as the apology went, "*at Breda some months before*."

† Samuel Tuke, of Cressing Temple, co. Essex, was a colonel in the royal army during the civil war, and afterwards, being one of those who attempted to form a party in Essex for the king, narrowly escaped with his life. He had become a convert to Rome before the restoration (*Evelyn*, v. iii., p. 108); and, in 1664, married Mary Sheldon, one of the queen's dressers, daughter of Edward Sheldon, of Ditchford, co. Warwick, esq. She died in 1666, about two years after Colonel Tuke had been rewarded with a baronetcy. In 1668, Sir Samuel married a second lady, unnamed by Evelyn, and passed over by Sir Bernard Burke (*Ext. Baronetage*); but she was the mother of his son and heir, the second baronet, whose christening (1671, July 19), at Somerset House, is noticed by Evelyn; a popish priest officiating, "with many odd ceremonies," the king and lord Arundel of Wardour being sponsors.—*Diary*, v. ii., p. 62. It was probably the second lady Tuke (and not Mary Sheldon) who was "kinswoman to the lord Arundel."

Sir Samuel Tuke died at Somerset House, January 26, 1673; and his son, Sir Charles, the second baronet, "received a mortal wound at the fight

Somerset, sister to the marquess) who, whilst they lived, preserved this gentleman, by their example and advice, from those many extravagances that impaired both his fortune and his reputation.”\*

Preserve us from our *friends*! If any portion of this entry was written by Evelyn at the date professed, the remark distinguished by *italics* must have been an interpolation; or, with the disparaging reflections that follow a subsequent addition: for, if all the world *then* knew the fact of the marriage, what becomes of the previous communication? And if the fortune and reputation of my lord were safe, in the opinion of Evelyn, until the death of Sir Samuel Tuke, in 1673, what of the entire *slander*? My lord may not have taken the public into his confidence to the extent he reposed in his “friend,” John Evelyn, yet a letter written by him, appears to refer to the fact of a lawful cohabitation as known in the family,† several years before his accession to the restored honors, when the duke and duchess entered society with their newly acquired rank; and Evelyn, dining “with the duke, the first time since the

on the Boyne, on the side of the unfortunate king, and died August 10th, 1690; last of the family,” says Evelyn, “to which my wife was related.”—*Ib.*, v. ii., p. 309.

\* Diary, (17th October, 1671) v. ii., p. 65.

† Letter from lord Howard, then earl of Norwich, to his agent, Mr. Hay, dated June 28, 1675. Referring, probably, to his brother Bernard, then resident in the French Capital, the earl says: “At Paris I saw nobody, nor asked to see, nor am I like to do otherwise hereafter; for neither will yield, and so neither meet. As to his thanks to the He and Shee, &c., I say little till the liefetenant goes, by whom *I shall explaine what the She is (as you already know)*. But I will answer that all her life she will be his cordiall faithfull servant. And indeed, if ever I have any returne of ought I furnish him, I desire it be to her and her’s, who yet have little or nothing if I dye. And to avoyd all disputes or *discoveries*, all for her and them is to be given to Sir James Hayes, and, as I have privately directed him, to dispose of. And this hint is enough, if I dye: Ergo, Sir James Hayes is the sole trustee for the hen and chicks.”—*Tiernay, Hist. Arundel*, p. 536.

The *liefetenant*, was Thomas Howard, second son by the first marriage; and it is not to be credited that the earl would have selected him to be the bearer of an explanation that was not reputable.

death of his elder brother," made a note: "The duke had now newly declared his marriage with his concubine, whom he promised me he never would marry!"\*

Concurrent with those "vicious courses" that Evelyn has so severely censured, his own pages supply another presentment.

In November, 1666, the year following his return to England, Mr. Howard was elected member of the Royal Society, and for nine years his name was annually placed on the Council.† Gresham College had been rendered untenable by the calamitous *incendium* that had laid in ashes a large portion of the city; and one of the earliest acts of the new member was an invitation to the Society to hold its meetings at Arundel House. On the 9th January, 1667, they were there assembled.‡ Evelyn notes the fact, and adds, that Mr. Howard, "at my instigation, likewise bestowed on the Society that noble library which his grandfather especially, and his ancestors, had collected. *This gentleman had so little inclination to books that it was the preservation of them from embezzlement.*§

\* January 23, 1678.—*Diary*, v. ii., p. 118. "Nupta circa Oct. 1677, publicata."—*Egerton MS.* 1075.

† Tiernay.

‡ The Society continued to meet at Arundel House until 1673, when they were invited back to Gresham College by a deputation of the professors and of the Mercers' Company; and were induced to accept the offer because their apparatus and curiosities were deposited there.—*Tiernay*. In the mean time, Mr. Howard had made the offer of the gift of a piece of ground next to Arundel House, to build a College on, which, observes Pepys, is a most generous act.—*Diary*, v. iv., p. 32.

§ *Diary*, v. ii., p. 20. The words in *italics* have the appearance of a subsequent addition. As to the remark itself, and its value in reference to the patron and friend of the diarist, Mr. Howard was rather a practical man than a student of ancient manuscripts. "Creed tells me," writes Pepys, "that he is a very fine gentleman, and understands and speaks well."—*Diary*, v. iv., p. 327. In a paper communicated by him to the Royal Society: "*A description of the diamond mines;*" the lord Marshal says: "I shall confine myself to the mines on the coast of Coromandel, with which I am acquainted; having visited several of them, I am able to say something thereof experimentally."—*Phil. Trans.*, v. xii., p. 907. This

Pepys notices the "noble gift," and remarks that "our Society values it at £1000."\* The presentation had been "solemnly" made, and thenceforth Evelyn and his friends had the complete control—and the responsibility—attending the donation. Dr. Birch has given to the world a further view of the transaction, from minutes of the proceedings;† and Mr. Tiernay, commenting on the records, says: "The conduct of the Society, as connected with this library, was somewhat extraordinary. As early as March, 1669, a proposal was actually made for selling the MSS. to the University of Oxford.‡ A committee was appointed to ascertain their value preparatory to the sale; and it was only after two or three debates and divisions on the question that the proposition was rejected, as seeming to slight the munificence of the giver."§ A committee, how-

paper was found worthy of translation into French, and is printed with *Barbo's Metallurgie*, tom. i., p. 308.

Further, Mr. Howard contributed some notes and instructions to Evelyn for his "*History of the Three late Imposters*," derived from "the relation of Signor Pietro, as unpolished," observes Mr. Howard, "as the usual style of the Levanters."—*Evelyn, Diary*, v. iii., p. 211. No one, indeed, can read Mr. Howard's letter without being convinced of his literary intelligence; and that the apology of Mr. Tiernay, (who has inadvertently confounded him with his son, of the same name, referred to in the *Mémoires de Grammont*,) has been wholly mis-applied, in extenuation of "manners unpolished and talents of an inferior order."—*Hist. of Arundel*, p. 542.

On the 13th February, 1669, Evelyn writes: "I presented his majesty with my 'History of the Four Imposters;'" and the king, he adds,—"*told me of other like cheats*."—*Diary*, v. ii., p. 38.

\* *Diary*, v. iii., p. 373.

† *Hist. Royal Society*, 1756, &c.

‡ On the 4th March, Evelyn went "To the Council of the Royal Society about disposing my lord Howard's library, now given to us."—*Diary*, v. ii., p. 39.

§ Birch, II., 351, 372. A letter from Evelyn to lord Howard, dated from Saye's Court the 14th March, 1669, has reference to this somewhat extraordinary proposition: "My lord, I am not prompted by the success of my first address to your Honour, when, as much *for your own* [*quare*, my own?] *glory* as that of the University, I prevailed with you for the marbles, which were inscriptions in stones; to solicit you now, on the same account, for the books, which are inscriptions in parchment; but because I am very confi-

ever had come to the conclusion, that they were "chiefly valuable for their rarity, and unlikely to be of any great advantage to the University or to the Society;" and such was the state of neglect and decay in which they were suffered to remain, that, in 1677, lord Henry Howard, then earl of Norwich, found it necessary to transmit a message to the council requesting "that the library given by him to the Royal Society might be better looked after;"\* and, though frequently mentioned, fourteen years had elapsed before even a catalogue had been made of it.† The books were still at Arundel House in 1678, when the mansion

dent your Honour cannot consult a nobler expedient to preserve them, and the memory of your name and illustrious family, than by wishing that the Society (on whom you have so generously bestowed your library,) might exchange the MSS. (such only, I mean, as concern the civil law, theology, and other scholastic learning,) for mathematical, philosophical and other such books as may prove most useful to the design and institution of it.... [The learned Selden, Sir Thomas Bodley and others are then held up as examples; and the writer, referring to the desire of the University for his proposition, urges the "design of perpetuating your munificence, by dignifying that apartment where they would place the MSS., with the title of *Bibliotheca Arundeliana*, than which, *what can be more glorious or conspicuous!*" And concludes]

I cannot, upon most serious reflection on the reasons which I have alleged, and especially that of preserving your name and library by a double consignment of it, but implore your lordship's favor and indulgence for the University where your munificence is already deeply engraven on their hearts as well as on their marbles; and will then shine in letters of a more refulgent lustre; for methinks I hear the public orator, after he has celebrated your name amongst the rest of their glorious benefactors and heroes, end his panegyric in the resounding theatre, as once the noble poet on the person of the young Arcadian:—

Nunc te Marmoreum pro tempore fecimus.—*Ecl.* vii.

We yet, great Howard, thee but in marble mould;  
But if our books increase, thou shalt be gold !!!

— *Diary and Correspondence*, v. iii., p. 218. "L'Allegorie," on dit, "habite un palais diaphane;" and the verse might have rhymed as well, with less flattery,—

But if our books increase, thou shalt be sold!

\* Birch, Hist. R. S.

† Ibid.

was about to be taken down; and on the 29th August Evelyn notes: "I was called to London to wait upon the duke of Norfolk, who, having at my sole request, bestowed the Arundelian library on the Royal Society, sent to me to take charge of the books and remove them:" and, notwithstanding all that had passed during the twelve years of the Society's regardless possession; having endured the rebuke of the donor on that account; without even a catalogue to assist security; Evelyn could still address to the world—(for, unlike Pepys' honest confessions, Evelyn's diary is addressed to, and dressed for, the world)—the following reflections on his final act in connection with this "noble gift." Having gathered but a scanty crop of laurels by the transaction, he sought self-praise in the demolition of the hero he had moulded; and twining his poisoned *immortelle* round the brow of his prostrate demi-god, "I should not, he adds, "*for the honor I bear the family,*\* have persuaded the duke to part with them, had I not seen how negligent he was of them, suffering the priests and everybody to carry away and dispose of what they pleased; so that abundance of rare things are irrecoverably gone."†

From the preservation of the library, Evelyn turned his attention to the "broken inscriptions lying about Arundel House," and on the 4th August, the same year, 1667, from Saye's Court, thus addressed Mr. Howard: "It is not without much regret, and more concernment *as it regards your honorable and illustrious family*, that I have now so long a time beheld some of the noblest antiquities in the world, and which your grandfather purchased with so much cost and difficulty, lie abandoned, broken and defaced in divers corners about Arundel House and the gardens belonging to it. I know your Honour cannot but have thoughts and resolutions of repairing and collecting them together one day; but there are in the mean time certain broken inscrip-

\* Honor the family! What,—*concubine and all?*

† Diary, v. ii., p. 122.

tions now almost obliterated with age and the ill effects of the weather,\* which will in a short time utterly be lost and perish, unless they be speedily removed to a more benign and less corrosive air. For these it is, I should be an humble suitor that you would think fit to make a present of them to the University of Oxford, where they might be of great use and ornament, and remain a more lasting record to posterity of your munificence than by any other application of them whatsoever; and the University would think themselves obliged to inscribe your name and that of your illustrious family to all signification of gratitude . . . . .”

A memorandum of Evelyn's on the original manuscript, records, that “This letter *procured* all the *Marmora Arundeliana*, Greek and Latin inscriptions, urns, altar-tables, &c. now at Oxon.”† His diary supplies a further notice of the gift, with a repetition of the inducement and the attendant circumstances: “1667, Sept. 19. To London with Mr. Henry Howard of Norfolk, of whom I obtained the gift of his Arundelian marbles, those celebrated and famous inscriptions, Greek and Latin, gathered with so much cost and industry from Greece, by his illustrious grandfather, the magnificent earl of Arundel, my noble friend, whilst he lived. When I saw these precious monuments miserably neglected, and scattered up and down about the garden‡ and other parts

\* Edward Browne, who went to Arundel House, March 1, 1664, “saw a great number of old Roman and Grecian statues, many as large again as life, and divers Greek inscriptions upon stones in the garden. I viewed these statues,” he adds, “till the approaching night began to obscure them, being extremely taken with the noblesse of that ancient work, and grieving at the bad usage some of them had met with in our late distractions.”—*Journal*.

† Diary and Correspondence, v. iii., p. 198. Evelyn understood the use of words, and “*procured*” best represents the transaction.

‡ From Evelyn's description, it might be supposed they were cast about the grounds as old stones of nothing worth. The arrangement of the earl's collection, described by Peacham, had been as follows: the busts and statues he placed in his gallery: the inscribed stones were inserted in the walls of the garden at Arundel House; and with the inferior and mutilated

of Arundel House, and how exceedingly the corrosive air of London impaired them, I procured him to bestow them on the University of Oxford. This he was pleased to grant me, and *now gave me the key of the gallery*,\* with leave to mark all those stones, urns, altars, &c., and whatever I found had inscriptions on them *that were not statues*. This I did, and getting them removed and piled together, with those that were incrustated in the garden-walls, I sent immediately letters to the Vice-Chancellor of what I had pro-

pieces he decorated his summer garden at Lambeth.—*Compl. Gent.*, p. 109. Peacham adds, that the “ingenious John Evelyn” was employed by the earl in making the collection; but that is a mistake: the collection had been made, and the earl had fallen on evil days while John Evelyn was yet a boy.

The earl’s connection with the Evelyn family had been with Richard Evelyn, one of the trustees of his Surrey property; and he extended his notice to the “ingenious” John Evelyn, his son, who was a young man, still pursuing his studies, when he visited the earl on his death bed at Padua, and the great collector, as Evelyn relates, “caused his gentleman to give me directions, *all written with his own hand*, what curiosities I should inquire after in my journey.”—*Diary*, v. i., p. 219. Nor could his vanity omit the opportunity of placing on record, that while taking leave of the earl, “there waited for me below, Mr. Henry Howard (afterwards duke of Norfolk), Mr. J. Digby, son of Sir Kenelm Digby, and other gentlemen, who conducted me to the coach.”—*Ibid.*

John Digby married a granddaughter of the earl of Arundel, the lady Katharine, sister of Mr. Henry Howard; and Evelyn, who accepted the “fashion and ceremony” of the earl’s house, as deference to his own particular importance, was about seven years the elder of the earl’s grandson, above named, whom through life he flattered to his face, and scandalized to posterity in his Journal. In dedicating to this grandson his translation of the *Sieur de Cambray’s Idea of the Perfection of Painting*, Evelyn perhaps represented the fact, when he described the earl of Arundel as the great patron of the arts, “whose favours he had frequently tasted both at home and abroad,” but he was inflating his innate vanity to the utmost tension of solemnity, when he so constantly parades the proud and stately earl as his “noble and illustrious friend.”

\* This does not agree with the representation of “miserable neglect,” &c. or the imputation that Mr. Howard was without taste for the fine arts; though, perhaps, like the duke of Buckingham, he “was not so fond of antiquity as to court it in a deformed or mis-shapen stone.”—*Walpole, Anecd. of Painting*, v. ii., p. 126.

cured, and that if they esteemed it a service to the University, (of which I had been a member) they should take order for their transportation.”\*

On the 8th October, he writes: “Came to dine with me Dr. Bathurst, dean of Wells, President of Trinity College, sent by the Vice-Chancellor of Oxford, in the name of the whole University, to thank me for procuring the Inscriptions, and to receive my directions what was to be done to shew their gratitude to Mr. Howard.”†

In exchange for his marbles, Mr. Howard was created D.C.L., with ceremony, and his eldest son, a youth of fourteen, M.A., on the 5th June following;‡ but the laudation of the *procurer* was reserved for a greater occasion,§

\* Diary, v. ii., p. 29. † Ibid, p. 30. ‡ Wood, Fasti, v. ii., p. 303.

§ On the 17th October, writes Evelyn, “Came Dr. Barlow, Provost of Queen’s College, and Protobibliothecus of the Bodleian Library, to take order about the transportation of the marbles.”—*Diary*, v. ii., p. 30. On the 25th “there were delivered to me two letters from the Vice-Chancellor of Oxford, with the decree of Convocation, attested by the Public Notary, ordering four Doctors of Divinity and Law to acknowledge the obligation the University had to me for procuring the *Marmora Arundeliana*, which was solemnly done by Dr. Barlow, (bishop of Lincoln,) Dr. Jenkins, (afterwards Sir Leoline Jenkins, Secretary of State,) Judge of the Admiralty, Dr. Lloyd, and Obadiah Walker, of University College; who, having made a large compliment from the University, delivered me the decree of Convocation fairly written. This document, highly flattering, “pro eâ pietate quâ Almam Matrem prosequitur non solum suasu et consilio apud inclytum Heroem Henricum Howard, ducis Norfolkicæ hæredem, intercessit, ut Universitati pretiosissimum eruditæ antiquitatis thesaurum Marmora Arundeliana largiretur; sed egregiam insuper in ijs colligendis asservandisque navavit operam.....”: was accompanied by a letter expressing further an intention “of a noble inscription, in which also honorable mention shall be made of yourself; but Mr. Vice-Chancellor commands me to tell you,” adds the writer, “that this is not sufficient for your merits; but that if your occasions would permit you to come down at the Act (when we intend a dedication of our New Theatre), some other testimony should be given, both of your own worth and affection to this, your old mother; for we are all very sensible that this great addition of learning and reputation to the University, is due as well to your industrious care for the University, and interest with my lord Howard, as to his great nobleness and generosity of spirit.”—*Diary*, v. ii., p. 31.

and far surpassed the homage to the donor; of whom little is recorded beyond the fact mentioned by the University historian, Anthony à Wood.

"The Vice-Chancellor's letter to the same effect," writes Evelyn, "were too vain glorious to insert," and has not been supplied by his editor; the "divers copies of verses that were sent," are also, probably, still in his cabinet; the inscription he "totally declined."—*Ibid.*

"Having made me this compliment," continues Evelyn, "the four Doctors desired me to carry and introduce them to Mr. Howard, at Arundel House; which I did; Dr. Barlow (Provost of Queen's), after a short speech, delivering a larger letter of the University's thanks, which was written in Latin, expressing the great sense they had of the honor done them." This compliment, handsomely performed and as nobly received, Mr. Howard accompanied the Doctors to their coach; and Evelyn followed them to supper.

On the 7th July following, Evelyn went towards Oxford; and on the 15th, having two days before had notice that the University intended him the honor of Doctorship, "I was this morning," he writes, "attended by the beadles belonging to the Law, who conducted me to the theatre." There he found the duke of Ormond, Chancellor, the earl of Chesterfield, and Mr. Spencer, brother to the earl of Sunderland. Thence they marched to the Convocation House (*a Convocation having been called on purpose*), and being all robed in scarlet, with caps and hoods, they were led by the Professor and presented respectively by name, with a short eulogy, to the Vice-Chancellor, who sat in the chair, with all the Doctors and Heads of Houses, and Masters about the room, which was exceeding full. Then began the Public Orator his speech, directed chiefly to the duke of Ormond, the Chancellor; but *in which I had my compliment, of course..... So formal a creation of honorary Doctors had seldom been seen,—that a convocation should be called on purpose, and speeches made by the Orator!* But they could do no less, their Chancellor being to receive, or rather do them, this honor. *I should have been made Doctor with the rest at the Public Act,\* but the expectation of their Chancellor made them defer it.—Diary, v. ii., p. 42.*

"Extraordinary entertainments, abundance of feasting, compliments and returning of thanks," attended the ceremony; and Evelyn, having dined with the Vice-Chancellor, visited "the noble marbles and inscriptions" that had brought him to <sup>so</sup> much honor. He found them "inserted in the walls that compass the area of the theatre, where were one hundred

\* The dedication of the new Theatre, (which cost £25,000) the munificent benefaction of Dr. Sheldon, archbishop of Canterbury, chancellor of the University, was celebrated with great ceremony on the 9th July. The resignation of the chancellor in favor of the duke of Ormond, attended the completion of his noble work, which, humble in heart, it is said, he declined to see, and never beheld.—*Evelyn, Diary, v. ii., p. 39.*

In the nobility of Mr. Howard's character, though not absolutely detracting qualities, there were two weak points, pride of family, with a princely generosity of spirit; and Evelyn, "who was never averse from paying his humble suit to the prejudices of his patrons,"\* knew how to "pluck out the heart of their mystery," and use it to his purpose. Flattery was an instrument he could sound from the lowest note to the top of its compass. Hamlet's symbolical pipe was rhetorical in his hands:—

..... Govern these ventages  
with your finger and thumb, give it breath  
with your mouth, and it will discourse  
most eloquent music.

The Danish novice, unskilled to command any utterance of harmony, had his opposite in Evelyn, who would double-tongue you, in most excellent accord, a two-part medley, at once to his own and to his patron's praise!

Not to repeat instances already sufficiently prominent, a dedicatory epistle to "The illustrious Henry Howard of Norfolk, heir apparent† to that dukedom," furnished Evelyn,—(after a well-sustained prelude on the old *aria* of the earl of Arundel, as patron of the arts, and *Mecænas* of all sublime spirits, himself included,)‡ with an opportunity of

and fifty of the most ancient and worthy treasures of that kind in the learned world." Already "*some idle persons had began to scratch and injure them,*" and he "advised that a hedge of holly should be planted at the foot of the wall, to be kept breast-high only, to protect them—which the Vice-Chancellor promised to do next season"!—*Ibid.*

\* Tiernay, Hist. of Arundel.

† Not *apparent*, Evelyn, but heir *presumptive*—on the decease of his brother, without issue.

‡ "There is no man who has heard of the house of Norfolk, and especially of that of Arundel and Surrey, but will justify the resolution I have taken to inscribe your name in the front of this piece; since the names of Painting and Sculpture (two of the most celebrated and renowned arts that ever appeared in the world,) had scarce been known amongst us in England, but for your illustrious grandfather, who brought into and adorned this nation with more polite and useful things than it had received for some ages before, and who continued a *Mecænas* and protector of all the

deriving "through a most illustrious father," a living patron who inherited by descent "this *affection to great and noble things*."\*

"But Sir," continues the dedicator, "I have something yet to add, and the very stones would ever exclaim against me, should I omit your never-to-be-forgotten munificence to the University of Oxford!" But why never-to-be-forgotten? "Because it was upon *my first and sole* suggestion!" And why *suggestion*? Because (with the grace of an *appoggiatura* to his patron's most excellent quality—a delicate *turn* to his "affection to great and noble things,")—"instigation the generosity of your nature needs not!" (And then, by a *run* to the key-note,—his patron's family pride)—"by which you not only nobly consulted the *most lasting way to perpetuate your name* in the learned world, and gave eternity to those (almost) obliterated titles, by transferring them to a less corrosive *ayr*."†

As a fugue on the quill, the fingers and thumb have not frequently attuned this little organ to more harmonious utterance of *Esto perpetua*, addressed alike to dedicator and to patron; leaving it still doubtful on the ear,—(having reference to detractive disregards elsewhere expressed)—whether the higher praise (as it takes precedence of the gift itself,) be not due to the first and sole suggestor of the dedication ever-to-be-remembered in the annals of fame.‡

sublime spirits as long as this Island was worthy of him,—which was as long as it remained loyal. I have reason to consecrate thus his memory, of whose more particular favours I have so frequently tasted both at home and abroad; especially in Italy, where I had the honor to be cherished by him, and from whom I received one of the last letters that ever he writ, which I reserve by me as one of the choicest of my treasures."

\* But how, as to the *library* disregarded? The *marbles* miserably neglected? The *medals* and *intaglios* squandered amongst painters, panders, &c. The *paintings* and *drawings*—sed nunc non erat his locus.

† Dedication of "An Idea of the Perfection of Painting; by Roland Freart, Sieur de Cambray. Translated into English, by John Evelyn." 1668.

‡ Considering the general run of dedications to have been compliment and servility,—in Shaksperian phrase, a circumlocutory endeavour to "re-

If Mr. Howard's generosity of spirit laid him open to "suggestions" that might be for the honor of his name, his weakness did not extend to the absorption of fulsome praise; his family pride did not take a direction that might be "played upon" with the lip-homage of dependents, or "stopped" with the more objectionable adulation of humble friends. His ambition had been the titular rank, the social position of his ancestors, which had its award of honorable regard due in the estimation of men. The additional wealth that would accompany the accession to himself, could only gratify in an increased degree the natural generosity of his disposition. Still, his position so far from being happy, required all the generous restraint of an ambitious mind and the kindly sympathy of natural affection. His unconscious brother, wholly incapable of appreciating or fulfilling the obligations of his high rank, withheld honors he could not himself enjoy. Seven years had passed since the restoration of the dukedom, and Mr. Henry Howard, with the highest honors in expectancy, was still a commoner! If he exhibited no impatience, or entertained in any degree the attributes of his flatterers, he must indeed have been proof against augury. Relief from *ennui* is always to be found in action; and to a man who

cover the wind" of a patron, "as if you would drive him into a toil," criticism of Evelyn is only invoked by his inordinate vanity; his double-dealing, at once candied and uncandid; his contemporal public praise and his private dedication to posterity of a contrary estimate of value.

Otherwise, of the way in which dedicators have paid their debts in other men's coin, an example of very depreciated currency occurs in the *Anecdotes of Painting in England*, inscribed by Horace Walpole to the lady Hervey (Mary Lepel), who therein tells her ladyship that "if Mr. Virtue's industry has amassed anything that can *amuse one or two of your idle hours*, (when neither affection, friendship, nor the several duties which you fill with so much ease and dignity have any demands upon you) *I shall think his life was well employed*; and I am sure my time will have been so, *if I have made him tolerable company!*"

Such was Horace Walpole's estimate of the value of the life and labours of a man "whose indefatigable pains left nothing unexplored that could illuminate his subject."

lacked advancement, any replication progressing to his hopes must have been welcome. An idea at this time appears first to have occurred to his advisers, that all the advantages had not been taken of the act of grace that replaced his family in their former *status* of peerage rank ; for the reversal of the attainder of Thomas duke of Norfolk had virtually elevated Philip earl of Arundel to the succession of the same rank, and his descendants to the honorable position they rightly would have borne. This view of the case entitled Mr. Henry Howard to the position of second son of a duke, with a courtesy prefix of nobility; and by a patent of precedency, dated the last day of December, 1668,\* the king gave legality to a proposition that confirmed to him the designation of lord Henry Howard of Norfolk. Court favour, which in the multitude of petitioners had not hitherto shone on himself personally, about the same time became refulgent; the courtesy title, within a few months, gave place to peerage rank, and employment in the service of the state: perhaps the former was the anticipatory reward of the service, since Evelyn notes that Mr. Howard was "created lord upon his embassy to Morrocco."† The patent however, refers to other "eminent services, performed by his father and grandfather, to king Charles the First and to the Crown of England, both here and abroad, to their great peril and costs; and also to his own personal services to king Charles the Second, in the time of the usurpation,

\* Pat. 20 Car. II.; E. M. Bk., fo. 100 b.—*Sandford*.

† Diary, v. ii., p. 31. The painters' art of patching a bald effect or throwing in new lights, is ill adapted to the journalist; and Evelyn, in revising or dressing his diary for the public eye with his finishing touches, has wholly destroyed the charm of a record of daily events, where he has not absolutely distorted or misplaced the occurrence of facts. In the present instance, writing of the presentation of the marbles to the University of Oxford, under the date of October, 1667, he has made an addition, referring to Mr. Henry Howard, as "*now* made lord upon his embassy to Morrocco;" although neither the creation nor the embassy took place until about two years afterwards.

when he was necessitated to be in foreign parts in a banished condition." In acknowledgment of these services, lord Henry Howard was, by letters patent, advanced to the degree of a baron of the realm, by the title of lord Howard of Castle Rising, in the county of Norfolk,\* one of the memorable localities of his parliamentary influence, (not without peril,) in aid of the restoration. The embassy shortly followed, and was then probably in active preparation.

The cession of Tangier, by the Portuguese, as part of the dowry of his queen, impressed Charles the Second with an opinion, that a commerce with Morrocco might prove of considerable profit to his kingdom. To this end, he had declared Tangier a free port, invested it with many important privileges; and now sought by an embassy conducted with considerable splendour, backed by the force of his arms, to impress his warlike neighbours not only with the magnificence but the power of his crown. The particulars of "A pavilion and tents, prepared for his excellency, the lord Howard, ambassador extraordinary to the emperor of Morrocco,"† shew accommodation for a large retinue, with halls for reception and festivity, enclosed by pallisades and a gateway, giving the appearance of an intrenched encampment. The lord Howard embarked at Plymouth with a splendid train,‡ the 22nd July, 1669, attended by his

\* Pat. 27 Mar. 21 Car. II. (1668). The parliament was not then in session; and lord Howard's absence prevented his taking his seat until Monday, the 24th October, 1670; when the lord Keeper acquainted the House that his majesty had ennobled Henry Howard, by creating him baron of Castle Rising. His lordship was then introduced between the lord Arlington and the lord Arundel of Wardour; the lord Chamberlain (all being robed) conducting him to the woolsack; where the patent, and the writ of summons, dated the 21st October last past, were read.—*Lords' Journ.*, v. xii., p. 351.

† Add. MS. in B. M. Lib., No. 5750. The pavilion consisted of two halls, with a gallery, and lodging, for the ambassador, and another large hall and lodging, "guilt and guarded;" with tents or guard-rooms, kitchens, and many other pavilions, tents and "houses," for a numerous retinue. The cost, by an order on the Treasury, was £2377.

‡ Kennet, *Hist. Engl.*, fol. v. iii., p. 273.

majesty's fleet under the command of Sir Thomas Allen.\* Besides his majesty's commission to treat with the Moorish king, the ambassador was also intrusted with "certain inquiries concerning Barbary," on behalf of the Royal Society. The result of the embassy appears to have been, like Viola's history,—a blank. A paper read at a subsequent meeting of the Royal Society,† drew from the lord Howard the declaration, "that he went not himself, for reasons known, to Morrocco, but that an ingenious person, one of his attendants on the voyage, had made the inquiries, and supplied the answers which the Society had just heard."‡ A letter from a gentleman of the lord ambassador

\* Kennett; Pointer, Chron. Hist.

† March 28, 1672.

‡ Birch, v. iii., p. 22. In order to promote his commercial plans with Morrocco, the king had taken great pains to preserve the fortress of Tangier; and a fine mole had been constructed at a vast expense for the improvement of the harbour; Pepys is eloquent in a matter that came under his especial notice; and the noble editor of his interesting *Diary* observes, "It is idle to speculate on the benefits which might have occurred to England by its preservation and retention" (v. i., p. 289). In 1680, Tangier was besieged by the Moors; and on the 17th November, the king sent a message to parliament recommending the preservation of the place. But the Commons, distracted with the position of affairs at home, replied, "They were indeed afraid of Tangier, but more afraid of a popish successor," and would grant no money.—*Rapin*. The Moors, however, were repulsed; and in the following year sent an embassy to England, which Evelyn, who was present, observes, received a ceremonious though noisy reception, in the Banqueting House at Whitehall.—*Diary*, v. ii., p. 161. On this occasion of cementing "a peace with Tangier," Named Hamet presented from his sovereign two lions and thirty ostriches; which the king, estimating the value of the submission, by his disappointed hopes, received with a smile, and replied, that "he knew of nothing more proper to send by way of return than a flock of geese."—*Reresby's Mem.* Nevertheless, Sir John Reresby expresses the king's opinion that the possession of Tangier might have been turned to advantageous commercial account; but the impoverished condition of his finances, and the distrust of the parliament opposed further expenditure; and to relieve himself from the maintenance of a place that the nation did not appreciate, the king, in 1683, commissioned lord Dartmouth to go with about twenty sail of vessels and destroy the town, the castle, the mole, and to choke up the harbour! The labour of undoing the industry of years occupied about six months; and so effectually was the demolition performed,

Howard's retinue to his friend in London,\* professes to give "A full relation of the most remarkable passages of the voyage, and of the present state of the countries under the power of Taffaletta, emperor of Morrocco." From this source it is ascertained that my lord proceeded to Tangier; and thence dispatched Capt. Warren, with the writer and another unnamed person, towards the emperor, as well to give notice of the arrival of his excellency, as to procure a passport for his journey to Fez. "We set forward," continues the writer, "with a flag of truce in our hands, and were met by twenty horse, about a mile from the lines." Arrived at Fez, after a journey of several days, it was ascertained that Taffaletta had gone with his army against some barbarians in the kingdom of Sous, beyond Morrocco. "We are told," he adds, "that the emperor will be here within a few months, and then we hope to have our dispatches. Some are sent to acquaint him with the honor our king hath done him, to send him a person so eminent in our nation and of that great wisdom . . . . ."

A year elapsed, and on the 3rd November, Sir Thomas Allen arrived from the straits, in the 'Plimouth,' leaving the command of His Majesty's fleet there to Sir Thomas Spragge.† My lord Howard had also quitted the scene of his fruitless labour, and was at Norwich, busily engaged in preparations for the reception of the king and "the whole Court;" which again afforded him an opportunity for an interchange of civilities with the Corporation. The latter

that we are told "it would puzzle all our engineers to restore the harbour of Tangier."—*Pepys, Diary*, v. i., p. 289, n. The abandoned ruins fell to the possession of the Moors.

\* "To his very loving friend, T. G., in London" . . . . . "Wishing myself again in your good company, at the King's Head, at Charing Cross . . . . . Your's to command, S. L. Fez, Nov. 1, 1669." Published for publick satisfaction, by Moses Pitt, at the sign of the White Hart, in Little Britain, Anno Dom. 1670. 4to.—*B. M. Lib., King's Pamphlets*, 104 h. 53; described in the catalogue as "A relation of the Voyage of the lord Thomas Howard," &c.

† Pointer, Chron. Hist.

congratulated my lord Howard on his elevation to the peerage; and, amidst much rejoicing, himself and his two sons were admitted to the freedom of the city.\* On his part, the lord Howard presented the city with “a noble mace of silver gilt, as a testimony of his great love and regard; together with a crimson velvet gown for the mayor to wear on the king’s coming, and upon other great occasions.”†

On Thursday, the 28th September, 1671, the king and queen, accompanied by the dukes of York, Monmouth and Buckingham, with many other nobles, made their public entry into the ancient city of Norwich, being met “at the Trowse bridge, the utmost limit of the city that way,” by the mayor with all the regalia, the sheriffs, corporation, and militia, new clothed in red, and were by them conducted to the duke’s palace, where they were lodged and magnificently entertained by the lord Howard.‡ From Norwich the Court progressed to Oxnead, Sir Robert Paston’s;§ thence to the lord Townshend’s, at Rainham; but the queen returned to Norwich, on a short visit to the lord Howard, and on Sunday, the 1st October, rode thence to the lord Arlington’s, at Euston.||

\* Blomefield, *Hist. Norfolk*, v. iii., p. 413.

† *Ibid.*

‡ *Ibid.* On the following day the king went to the cathedral, was “sung into the church with an anthem,” and at his devotions “kneeled on the hard stone.” After which, he went to the bishop’s palace, and was there nobly entertained: returning through the church, “he took coach at the west door, and after shewing himself to the people from the balcony of the Guildhall in the market place,—proceeded to a civic festival in the new Hall; an entertainment that cost the city above nine hundred pounds. Here his majesty, in honor of the loyal display, was “earnest to have knighted the mayor, who as earnestly begged to decline” the proffered distinction; and to dispel the delusion of an acknowledgment of literary or scientific attainments, be it known, that it was owing to the embarrassing pertinacious declension of Mr. Alderman Thacker, that his majesty’s uplifted rapier alighted on the more willing shoulder of his neighbour—Dr. Thomas Browne.

§ At Blickling, on the way, the king knighted Mr. Henry Hobart, eldest son of Sir John Hobart, Bart., a young gentleman about thirteen years of age.—*Blomefield*.

|| *Ibid.*

My lord Howard was proud of the honor conferred on him by the royal visit, and thought much of the preparations or "contrivances" he had made for the grand reception. Evelyn beheld the magnificence, however, without recorded applause, and describes a temporary erection "framed of boards only;"\* the palace, which by a former noble owner had been esteemed fit residence for a monarch,† affording no apartment sufficiently capacious for the royal presence. Splendour and luxury, at all times the expression of loyalty, had not degenerated with the restoration of Charles the Second, nor was my lord Howard the man to hesitate in the mode of its display; but if he found favour at Court, lavish entertainment nor abject homage were the means of its attainment; the king, well read in mankind and experienced in the world, was no more open to flattery than was his host;—though the welcome had exceeded the legitimate honor due to the sovereign, and the pleasure attending hospitality commensurate with rank,—had the lord Howard even anticipated events and played the duke in his expenditure. No time had produced men better able by adversity to understand each other. The king and lord Howard were nearly of an age; the latter rather the elder: they were known to each other under circumstances that make friends; and both were *politicians* from observation. In common with his majesty, my lord Howard entertained or affected a freedom in his religious views that admitted of complete toleration;‡ and, beyond acknowledged services, and loyalty that had spoken in deeds, it is observable, that after the contest in parliament that attended the restoration

\* Diary, v. ii., p. 65. "As to the palace," he adds, "it is an old wretched building, and that part of it newly built of brick, is very ill understood."

† Thomas duke of Norfolk, when accused of ambitious views in respect of the queen of Scots, replied, that "When in his bowling alley at Norwich, he considered himself equal to a king of Scotland."

‡ "Creed tells me," writes Pepys, a few years earlier, "that Mr. Henry Howard of Norfolk . . . . is no rigid papist; but one that would not have

of the dukedom,—the favor of the Howards of Norfolk advanced with the influence of popery at Court. Lord Howard had a friend in the Portuguese ambassador; the ambassador was potent with the queen; and though the queen's personal influence was nought, the practice of her religion was the vitality of a party, and the duke of York, as a partizan of Rome, acted on the king with complete success. This mode of operation is sufficiently apparent in the letters of lord Howard; his personal and parliamentary influence,\* perhaps, did the rest: in the year following his entertainment of the Court, the lord Howard was advanced to the earldom of Norwich, which had just then become vacant,† and invested with the office of Earl Marshal, hereditary in his family.‡ All the honor he could ask of the king was now his own; one higher rank only was open to his ambition, and that was already his inheritance—if, and when, Providence should so decree;—but even that appears to have been anticipated by the courtesy of the public voice; for Sir John Reresby relates that the lord Marshal was commonly called duke of Norfolk.§

Great rejoicing attended this new mark of the royal favour: the annual visit of the family to Norwich was celebrated by the ringing of the church bells and the discharge of cannon; the mayor in his state met the earl at St. Stephen's gate; and the "whole Court" waited on him after his arrival at his palace.||

a protestant servant leave his religion, (which he was going to do, thinking to recommend himself to his master by it,) saying, he would rather have an *honest protestant* than a *knavish catholique*."—*Diary*, v. iv., p. 32. A protestant might very safely have reversed the proposition.

\* Vide Pepys Diary, v. v., pp. 285, 288, 290-1.

† By the decease of Charles, second lord Goring, earl of Norwich, without issue, March 3, 1672.

‡ Pat. dated 29th October, 24 Car. II. (1672.) On the following day (October 30,) the lord Howard was introduced to the House by his new title, his supporters being the earl of Carlisle and the earl of Ailesbury.—*Lords' Journ.*, v. xii. p. 519.

§ Memoirs, p. 42.

|| Blomefield, Hist. Norfolk, v. iii., p. 414.

Here rest ambition, happiness is thine ! No ? Glittering honors have their own alloy ; and the secret influence of the elevation to rank, proved one barrier to its peaceful enjoyment.

In his adversity, the king had been advised on the advantages to his cause, of religious toleration. His steady friend, the duke of Newburgh,\* (whom Clarendon describes

\* The friendship of the expatriated king with the duke of Newburgh had been the subject of negotiation and etiquette, as between sovereign princes. As soon as the king came to Cologne, writes Clarendon, he sent to the neighbour princes, by proper messages and insinuations, for the money, which, by the grant of the Diet, they had obliged themselves to pay to his majesty ; which, though it amounted to no great sum, was of much convenience to his support. The duke of Newburgh, whose Court was at Dusseldorp, a small day's journey from Cologne, sent his proportion very generously, with many expressions of great respect and duty, congratulating his majesty and her royal highness on their arrival in those parts, and with insinuation that he would be glad to receive the honor of entertaining the king and his sister in his palace. He forebore, however, to make any solemn invitation, (without which they could not make the visit,) till some ceremonies were first adjusted. Two only were of moment, the rest were formalities from which they might recede, if those two were conceded. The indispensables were, " that the king, at their first meeting, should, at least once, treat the duke with *altesse* ;" and " that the duke might *salute the princess royal* : " without these preliminaries arranged, there could be no meeting. Weighing the matter in his political balance, the king thought it of moment to himself to receive the respect and civility of any of the German princes ; among whom few were more considerable in their dominions, and none in their persons, than the duke of Newburgh ; moreover, it appeared that the emperor himself always treated him with *altesse* : therefore his majesty made no scruples. But the matter of saluting the princess royal was of a new and delicate nature : it had been " so punctually preserved," that from the time of her coming to Holland, the old prince of Orange, father of her husband, had never pretended to it. The young widow herself, however, raised no obstacle : with the king, it was " a ceremony depending only on the custom of countries : " the duke of Newburgh was a sovereign prince inferior to none in Germany ; and his ambassador always covered before the emperor. These weighty considerations were decisive. Without any noise, about the middle of October, (Clarendon has omitted the fatal day !) the king, accompanied his sister by water to Dusseldorp ; where they arrived between three and four o'clock ; the duke and duchess were in attendance ; and there, on the bank of the Rhine, in the afternoon of an autumnal day, in the year 1654, to the danger of the protestant suc-

to have been bred under the Jesuits, and with more than ordinary bigotry zealous in the Roman religion,\*) had told him that the bloody laws in England against the Roman catholics, made a very great noise in the world; and that as his majesty was generally understood to be a prince of a generous and merciful nature, who would not take delight in the executing so much cruelty, he conceived it might be very agreeable to his inclination, to declare and promise, that when it should please God to restore his majesty to his government, he would never suffer those laws to be executed, but would cause them to be repealed. The king replied, that if it should be in his power, it should never be in his will, to execute those severe laws: but that it was not in his power absolutely to repeal them; and it would be less in his power to do it, if he declared that he had a purpose to do so.”†

Whatever were the king's private religious convictions, (and they are represented to have been Romish,) he began his reign with a “declaration of liberty of conscience; and that no man should be disquieted or called in question for differences of opinion in matters of religion, that did not disturb the peace of the kingdom.”‡ This was afterwards renewed,§ with a careful regard for the Church of England; and considerably modified by the Act of Uniformity|| that seemed absolutely necessary, if the identity of that church was to be preserved by any established form of worship. However, “it is well known,” observes Burnet, “that those who were then secretly papists, and who disguised their religion for many years after this, (as did the king himself to the last,) animated the chief men of our church

cession,—a sacrifice to state policy,—was the mother of our glorious Orange William, kissed by that bigoted Romish zealot, the duke of Newburgh!—*Clarendon, Hist. Rebellion, v. iii., p. 543.*

\* *Hist. Rebellion, v. iii., p. 544.*

† *Ibid., p. 550.*

‡ Declaration at Breda, 1660.—*Echard.*

§ Dec. 26, 1662.

|| Stat. 13 & 14 Car. II., passed 19th May, 1662.

to carry the point of uniformity as high as possible, that there might be many non-conformists, and great occasion given for a toleration, under which popery might insensibly creep in.”\*

For the king himself, “The truth is,” he said, “I am in my nature an enemy to all severity for religion and conscience, how mistaken soever it be, when it extends to capital and sanguinary punishments, which I am told were begun in popish times; therefore, when I say this, I hope I need not to warn any here, not to infer from thence, I mean to favour popery. I must confess to you, there are many of that profession, who having served my father and myself very well, may fairly hope for some part of that indulgence I would willingly afford to others who dissent from us. But let me explain, lest some mistake me, that I am far from meaning by this, a *toleration* or qualifying them thereby to hold any offices or places in the government; nay, further, I desire some laws may be made to hinder the growth and progress of their doctrines. I hope you have all so good an opinion of my zeal for the protestant religion, as I need not tell you I will not yield to any therein, not to the bishops themselves, nor in my liking of it, as it is now established; which, being the standard of our religion, must be kept pure and uncorrupted, free from all other mixtures: and yet, if the dissenters will demean themselves peaceably and modestly under the government, I could heartily wish I had such a power of indulgence, to use upon occasions, as might not needlessly force them out of the kingdom, or staying here, give them cause to conspire against the peace of it.”†

It was in this spirit that the king assumed to exercise his “supreme power in ecclesiastical matters;” and to issue his royal declaration for liberty of conscience and a toleration for all sorts of dissenters,‡ “contrary to several acts of

\* Hist. of his Own Time.

† Speech to Parliament, 18th February, 1662.

‡ March, 1672.

parliament, not by abrogation, but only by suspension.” By this declaration, the church of England was to be preserved in doctrine, discipline and government, as established by law. Places of worship for all sorts of non-conformists and recusants, were to be licensed; excepting recusants of the Roman catholic religion, to whom no public places of worship were to be allowed; but only an indulgence in the common exemption from the penal laws, and the exercise of their worship in their private houses only.\*

The king, writes father Orleans, who was no good christian in his actions, but a catholic in his heart, did all that could be expected from his easy temper, to maintain the common liberty, that so the catholic church might have a share in it; but the church of England prevailed.† His majesty’s declaration for liberty of conscience led to something more than apprehensions and jealousies in the hearts of his loving people: they became sensible of the great dangers and mischiefs to arise from the increase of popish recusants; they beheld the great resort of priests and jesuits in this kingdom, who daily endeavoured to seduce his majesty’s good subjects from their religion and allegiance; and they became disheartened at seeing popish recusants admitted to employments of great trust and profit, especially to military commands.‡ But his majesty “had found the good effect of his declaration, in securing peace at home when he had war abroad;” and in his address from the throne, he said:—

“My declaration for indulgence to *dissenters*, hath been subject to misconstruction, concerning the papists, as if more liberty were granted to them than to the other recusants; when it is plain there is less. . . . . But I will deal plainly with you. I am resolved to stick to my declaration. . . . . And I will conclude with this assurance to you,—That I will preserve the true reformed Protestant

\* Echard, v. iii., p. 293.

† Ibid, p. 292.

‡ Address of both Houses of Parliament, February, 1673.

religion and the Church, as it is now established in this kingdom.”\* The Commons, however, who “freely took notice of the actions of the Court,” were ill-satisfied with verbal assurances; an address of both houses of parliament against papists and jesuits, followed hot upon his majesty’s gracious promises; they took occasion, notwithstanding that the king was undoubtedly in law, “of the church of England supreme head,” to question his “power ecclesiastique;” and found themselves in duty bound, seeing the dispensing power operated to so alarming a degree in favor of popish recusants, to represent to his majesty that penal statutes in matters ecclesiastical may not be suspended but by act of parliament.† The king’s reply was both reasonable and conciliatory; his resolution gave way to his necessities, and the remonstrants so well followed up their advantage, that his majesty was driven at length to recal his “declaration of indulgence;” and, perhaps in disappointment, broke the seal with his own hands.‡ From this act may be dated the duplicity of his future conduct: with an apparent good grace, on the following day, addressing parliament, “My lords and gentlemen,” said the king, “if there be any scruple yet remaining with you concerning suspension of penal laws, I here faithfully promise you that what hath been done in that particular, shall not for the future be brought into example and consequence.”§

The balance that had been sustained by the non-conformist protestants interposing between the church of England and the papists, was now lost by the cohesion of the two former against their common antagonist; and the popish party, which had rendered itself formidable by obtaining many places of honor, profit and trust, met with “a retribution of their counsels and proceedings,”|| in a bill for “A general test to distinguish between protestants and pa-

\* Speech to Parliament, Feb. 4, 1673.

† Address Feb. 19, 1673.

‡ Echard, v. iii., p. 319.

§ Speech to Parliament, March 8, 1673.

|| Echard, v. iii., p. 321.

pists ; to prevent the danger and further growth of popery ; and for the more easy and speedy conviction of popish recusants," which quickly passed both houses of parliament and became law.\* This act has generally been described, "the great bulwark of the Established Church in England." George Digby, earl of Bristol, a pervert to Rome in the time of the Commonwealth, made the last stand in behalf of his party, by drawing a distinction between catholics of the *Church*, and of the *Court*, of Rome : addressing the House by the former description, and as "a faithful member of a protestant parliament," to the surprise of his auditors, he declared the measure "full of moderation towards catholics, as of prudence and security towards the religion of the State." Viewing the contest of creeds as a struggle for office ; the more powerful, he said, purposed by this bill, "to debar their adversaries from offices and places, and from accessions of wealth by favour of the sovereign. After all, my lords, how few do these sharp trials and tests of this act regard ? Only a few such Roman catholics as would fain hold offices and places at the price of hypocrisy and dissimulation of their true sentiments in religion. My lords, I am none of those, none of those *wherry-men in religion, who look one way and row another*. Upon the whole matter, my lords, however the sentiments of a catholic of the *church* of Rome may oblige me upon scruple of conscience, in some particulars of this bill, *to give my negative to it, when it comes to passing* ; yet, as a member of a protestant parliament, my advice prudentially cannot but go along with the main scope of it ; the present circumstances of the time, and affairs considered, and the necessity of composing the disturbed minds of the people."†

\* Stat. 25 Car. II., passed 29th March, 1673, the king being present, who forthwith prorogued parliament ; before an act for the "Relief of Protestant dissenters" was ready for his assent.—*Echard*, v. viii., p. 325.

† Debate, March 15, 1673.

The fears of his party are betrayed in the speech of the versatile earl; nor were they exaggerated by any. The duke of York, against whom the measure had been particularly directed, resigned the post of High Admiral of England, and many popish officers quitted their trusts; the whole body of English catholics had been subjected to the penal laws against recusancy: the oath of allegiance, indeed, might be taken by all,\* the *test* could be taken by none: many were prosecuted; and the hue and cry against popery reached the noble house of Howard. On the 27th January, following the passing of the Act, the earl of Norwich informed the House of Peers, that he had been proceeded against for recusancy during the sitting of parliament, contrary to privilege; when it was "Ordered, that the said earl (not being a convicted recusant) shall have the privilege of parliament, to be discharged of all proceedings had against him for recusancy, since the time the privilege began and during the continuance of the same privilege; and that if any indictment has been brought against him for recusancy, during the time of privilege, the same shall be brought into the Court of King's Bench; and that the king's attorney shall enter a *non pros.* upon the same."†

The two sons of the earl of Norwich had likewise been selected for prosecution as popish recusants; and availed themselves of a dispensation that had not been revoked with the king's declaration for indulgence. On Friday, the 12th February, 1672 $\frac{1}{2}$ , "The House being informed that

\* On Monday, the 16th February, at the adjournment of the House, the earl of Norwich, Earl Marshal of England, in the presence of the lord Keeper and a competent number of his majesty's Privy Council, kneeling at the woolsack, whereupon the lord keeper sits, did take the oath of allegiance provided by the 3rd James the First; the gentleman Usher of the Black Rod holding the Bible, and the clerk of the Council reading the Oath.—*Lords' Journals*, v. xii., p. 639. For king James' Oath of Allegiance, see *Butler, Hist. Mem. of English Catholics*, v. i., p. 273.

† *Lords' Journals*, v. xii., p. 621. Other catholic peers likewise had orders for privilege, in the same terms.

Henry lord Howard, eldest son of the earl of Norwich, Earl Marshal of England, and Thomas Howard, esq., second son of the said earl, are proceeded against for recusancy, during the sitting of parliament, contrary to privilege, it is ordered, that they (not being convicted recusants) shall have the privilege of parliament; and the same was recorded in the terms before described.\*

No king was ever more protestant in his public declarations or speeches to parliament than Charles the Second. The security of the protestant religion, as established in the church of England, and the "prevention of the growth of popery," were subjects of his constant commendation; and if he could have retained credit for sincerity, the tolerant views with which he commenced his reign had, perhaps, been more successful. Nothing could be more in agreement with the liberal views of the present day than the policy he had been disposed to admit;† but, observes an historian, "when the king's affectation of boasting continually his zeal for the protestant religion, and against popery, is considered; and when, on the other hand, it is remembered that he had abjured the protestant religion, and had a chapel secretly in his palace where he daily heard mass, and sometimes even communicated the same day at his protestant and popish chapels, one knows not what to think of such monstrous dissimulation."‡ Harsh term! that bespeaks ignorance of public policy, as understood by the emancipators of our own time. By a refinement of Digby's jesuitical doctrine, the king, in his majesty

\* Lords' Journ., v. xii., pp. 620, 635.

\* The "country party" of Charles the Second's time, urged that there ought to be no tests beyond the Oath of Allegiance: that all tests in public assemblies are dangerous, and contrary to public liberty. The peace of the world is best secured by good laws and good government. That oaths and tests are no security; the scrupulous might be fettered by them; while the bulk of the world would boldly take any test and as boldly break through it.—*Burnet, Hist. Own Time*, v. ii., p. 72. 8vo. ed.

‡ Rapin, v. ii., p. 673.

“supreme head” of the church of England, attended protestant worship; it was Charles Stuart alone who went to mass!\*

Nevertheless, a protestant parliament enacted laws, and a protestant king promulgated them; for “I will not be wanting,” he said, “to let my subjects see, that no care can be greater than my own in the effectual suppression of popery; and it shall be your faults, if in your several counties, the laws be not effectually executed against the growth of it.”† Appearance would make it so, for on the 14th November, his majesty was pleased to summon in council the two lord chief justices and the lord chief baron, and to command them to consider the most effectual means of putting the laws in execution for preventing the growth of popery; and at the same time was particularly pleased to order “That no person who is a Roman catholic, or is reputed to be of the Roman catholic religion, do presume, after the 18th of this instant, November, to come into his majesty’s royal presence, or to his palace, or to the place where his Court shall be.”‡ This order was made known in a new proclamation against the papists,—*the eighth of its kind*;—“the negligent execution,” it has been observed, “being very visible from the number:”§ and on the 10th December, the king in council declared the like interdiction against popish recusants, or any reputed to be so, presuming to come into St. James’s House, or into the park adjoining;|| so that, observes the archdeacon of Stowe, the king seemed to have taken all reasonable care to put an end to the fears

\* Not more anomalous than the actual results of modern legislation. As an illustration,—to descend *a capite ad calcem*,—the duality of public officials was complete, when a Jew lord mayor appointed a protestant chaplain, and—(of course in his official person only)—attended protestant worship!

† Speech from the Throne, November 4, 1673.

‡ Echard, *Hist. England*, v. iii., p. 339.

§ Rapin.

|| The penalty was, committal to the tower or to the common goal, according to the rank of the offender.—*Kennet, Hist. Engl.*, v. iii., p. 302.

and apprehensions of the growth of popery.\* The earl of Norwich was subjected to some personal inconvenience by the regulation; and the king himself, in his intercourse with his friends.

In addition to his own personal dignity, it happened at this time, that spiritual honors added a flickering and doubtful lustre to the House of Howard. Philip Howard, (the dominican friar who had caused so much mental distress to his grandfather, Thomas earl of Arundel,†) younger brother of the earl of Norwich, had been by Clement the Tenth, advanced to the purple, and became a jewel in the family tree by the title of Cardinal of Norfolk.‡ The

\* Echard, *Hist. Engl.*, v. iii., p. 339. "I feare," wrote the earl of Norwich to his brother, "that our miseries and disorders here, are much more likely to increase then to decrease, of which God only can foresee the event."—*Tiernay, Hist. Arundel*, p. 533.

† Evelyn, *Diary*, v. i., p. 219.

‡ Philip Howard, third son of Henry Frederick earl of Arundel and the lady Elizabeth Stuart, was born at Arundel House in the year 1629. At the age of eleven years, with his brothers Thomas and Henry, he appears to have been entered Fellow Commoner of St. John's College, Cambridge.—*Athen. Oxon.*, ed. Bliss, v. i., p. 622, n. The residence of either his brothers or himself, however, could only have been of short duration; for not long afterwards they were with their grandfather, Thomas earl of Arundel, in Italy, where Philip, a youth of fifteen, being "seduced by an Italian Dominican friar," absconded to Cremona, and there became a monk of the order before named. Great efforts were made to reclaim him; and the earl of Arundel appealed to the Pope without effect. Ordained priest, at the restoration of Charles the Second, he became one of the queen's chaplains, and was afterwards appointed lord Almoner to her majesty. On the 23rd January, 166 $\frac{1}{2}$ , Pepys went to St. James's, to see the organ. "I took my lord Brouncker with me," writes the diarist, "he being acquainted with my present lord Almoner, Mr. Howard, brother of the duke of Norfolk.... The Almoner seems a good natured gentleman. He discoursed much of the goodness of the musique in Rome; and of the great buildings which the Pope (whom, in mirth to us, he calls Anti-christ,) bath done in his time." They visited the monastery and the chapel; went into the cells of the priests, and saw one of them, with his hair clothes to his skin, bare legged, his cord about his middle, with a sandal only; and his little bed without sheets, and no feather bed; "but yet I thought soft enough," adds the diarist; "and in so good company, living with ease, I thought it a very good

earl of Norwich was much flattered by his brother's elevation, and made some sacrifices to maintain the Romish

life." In the refectory, every man had his napkin, knife, cup of earth, and basin of the same; and in the kitchen a good neck of mutton at the fire; and other victuals boiling; so Pepys, half envying the comforts of the capuchins, "their windows all looking into a fine garden and the park," took his departure; and "away with the Almoner in his coach, talking merrily about the differences of our religions, to Whitehall, where we left him." The Almoner's lodging partook rather of the Sultan's palace than the monk's cell, and became no less an object of admiration; for "I doe observe," says Pepys, "the counterfeit windows there was, in the forme of doors, with looking glasses instead of windows, which makes the room seem both bigger and lighter I think:" and one of the conveniences of his study appears to have anticipated a modern luxury: "here I observed," he continues, "the deske which he hath, made to remove, and is fastened to one of the arms of his chayre."—*Diary*, v. iii., p. 381.

The parliamentary measures against the growth of popery, and the king's prohibition of Jesuits and the Romish priesthood,—Father Huddleston, the queen's confessor, alone excepted (*Proclamation 12th February, 1674*) compelled Mr. Philip Howard to retire to Flanders; and the Papacy marked the English persecution by nominating him a member of the Sacred College, "Protector of England, and chief director of the Catholic affairs in that kingdom:" to this, let it be added, that he retained his appointment under the queen. Mr. Howard was at the bishop's palace at Antwerp, when he received the insignia of investiture, and to the satisfaction of his family, assumed the title of Cardinal of Norfolk. He made his public entry into Rome with a noble retinue, accompanied by his uncle, the viscount Stafford, his nephew, Mr. Thomas Howard (son of the earl of Norwich), Mr. John Howard (son of the viscount); and Dr. Leybourne, president of the English college at Douay, who was appointed the cardinal's secretary.—*Wood, Athen. Oxon.*, v. i., p. 622; *Dodd, Church Hist.*, v. iii., p. 445.

Letters from Rome, and the relators of popish plots, have been busy with his name; Luttrell refers to reports.—*Diary*, v. i., p. 423; iii., pp. 108, 247: If James the Second had succeeded in establishing popery, perhaps the Cardinal of Norfolk might have been archbishop of Canterbury, and Leybourne dean of St. Paul's. Bishop Burnet, who went to Rome in 1685, gives the Cardinal credit for moderate measures, becoming the wisdom of the Pope's advanced guards. He died at Rome, in 1694. He hath left his estate, says Luttrell, to the convent of English Dominicans, near Bruxelles, who are to pay some legacies out of it, particularly 1000 crowns to the lord Arundel of Wardour.—*Diary*, v. iii., p. 341.

To perpetuate his name and to the honor of his order, Cardinal Howard founded a small house of Black Friars, at Bornholm, on the Scheld, between Ghent and Antwerp; and another of the same order for women, at

dignitary in the glory of his state. Father Howard had for some years held the appointment of lord Almoner to the queen; and the story of his elevation to ecclesiastical rank, as it affected his family at home, was the subject of letters from the earl of Norwich.

“Emi<sup>mo</sup> et Rev<sup>mo</sup> Sig<sup>re</sup>,” writes the earl to his brother,\* “Although I had much difficulty at first, about your Em. affaires, how I could correspond with you, for feare of offending our masters here, yet I found it so necessary, not alone in order to your Em. service, but to the preservation of mine and families interest and credit abroad, that I write to yourselfe, and also to L<sup>d</sup> Patrone† and Barbarino that I have swallowed all apprehensions of difficulty at present, and henceforward never more to correspond, more then to order Mr. Hay to write to Mr. Thomas Grane,‡ who will inform your Em. of all my concernes. And therefore now, once for all, desire that whatere Mr. Hay shall write to him, may pass as my owne sence to your Em . . . .

“All yesterday and this day I spent in preparing what you desire, and this very night I am going to sup with his ma<sup>ty</sup> and the duke,§ at the prince of Newburgh’s,|| where, since I cannot now meet them at Westminster, nor conveniently go to Whitehall,¶ I will make your compliments,

Brussels. Of the former, Butler gives the year 1658, as the date of foundation.—*Hist. Engl. Catholics.*

\* June 1<sup>st</sup>, 1675.

† Card. Altieri.

‡ The name under which the Cardinal thenceforward carried on most of his correspondence with England.

§ Of York, afterwards James the Second.

|| Philip William, son of the duke of Newburgh before mentioned (p. 157). In 1675, he visited England, attended with a retinue of about fifty followers. On the 13th May, he was entertained at Court, and received with particular demonstrations of esteem for the sake of the duke, his father, who had shewn remarkable civilities to his majesty in exile.—*Echard, Hist. Engl.* v. iii., p. 400.

¶ In consequence of the prohibition. “Intolerance,” observes Mr. Tiernay, “must have gained a fearful ascendancy, when the sovereign could not venture to receive a catholic, though the first and most faithful of his

and ask if they desire you should write or not. Next day, I will go to the Portugall ambassador, and, by his advice, address to her ma<sup>ty</sup>, and by the lord Peterborow to the dutchess.\* . . . .

"I send the two letters for Rome, written with my owne hand. I would have said much more of the *causa di Dio*, &c., but I durst not: and pray let their Em<sup>ces</sup>† know I would, had I durst, have expressed the joy, gratitude, and concerne of my family herein much better: but time will shew I am *sensibilissimo del honore* . . . .

"I hope her ma<sup>ty</sup> will still continue your office under her, which I thinke will be no solecisme for either; for I am really in pain to know how for the future you will be annually supplied."‡

As to immediate resources, and aid in case of need: "I desire your Em<sup>ce</sup> to reckon upon it," writes the earl, "that I ever will be a true friend, as well as a kind brother, to one who has ever been so kind and sincere to me in all my

subjects, at Whitehall; and when that catholic was compelled to shelter his correspondence with his own brother, under the protection of a fictitious address."—*Hist. Arundel*, p. 530.

\* Of York? The young and beautiful Mary d'Este, princess of Modena, to whom the duke had been married about eighteen months. The match had been negotiated by the earl of Peterborough, and consummated by the same person, according to the form used among princes.—*Echard*, v. iii., pp. 332, 339. The "growth of popery" was observed in the alliance, and it became the subject of grave remonstrance from the Commons to the king.—*Ibid.*, p. 336. The earl of Norwich repeating, "that the king and duke desire your letters;" adds, "therefore fail not to the dutchess too. I was this morn to have spoke with the lord Peterborow about the complement to the dutchess, but he is out of town."—*Tiernay*.

† The Cardinals Altieri and Barbarino, to whom the letters were addressed, and by whose influence the elevation of Philip Howard had been obtained.

‡ In a subsequent letter, to Mr. Hay, the earl notifies her majesty's pleasure in the retention of the office by the cardinal; and as to his general resources, adds: "I should be glad finally that Mr. Grane would write to Mr. Hay, how he believes your Em. purposes to live for the future, and out of what fonde or yearly revenue, that my opinion and help may be best applied."—*Tiernay, Hist. Arundel*, p. 533.

concernes . . . . . And for the first earnest of my part, I am providing, and by the next post (certainly depend upon it), I will send your Em. a bill of a thousand pounds sterling, payable at sight, at Antwerp; and I hope one day, at your owne best leisure, your condition will be so good, as that before or at your death, you may with ease repay it to me, or those I leave behind me to receive it . . . . . I am going in August next into Cumberland, and hope at my return I may furnish your Em. with a thousand more on the same terms.\* I am glad to see in Mr. Hay's letter, of the generous offer or presents of the card. padrone, and the great duke, in which particular I cannot, at this distance, take upon me to advise; but answer only for myselfe, that, at every turne, I will be a sure carde, not to faile you in time of the greatest need. And if you can but rubb out for the present, I hope some *veschovate*† or other church-livings, will so capacitate you as to need little more hence."‡ . . . . .

The ducal state was to contribute to the lustre of the cardinalate: the earl continues: "I believe Dr. Yerbury,§ has by this, good store of silver plate, and some very good moveables, at Padua. I freely offer all that to your present service to go to Rome, for a yeare, two, or three, till your own condition may be better: and do consent, if you please, to put out the arms, if any were now graven upon such plate, and put your's in the place, the which, at your return of it hereafter, may again be altered, or no hurt neither if it remaine."||

\* "Hence it appears," says Mr. Tiernay, "that the funds which the Cardinal at the time was reported to have received from king Charles; and which, on the authority of Anthony à Wood, (*Athen. Oxon.* v. i., p. 273,) have ever since been said to have been supplied by the Pope, were actually derived from his brother."—*Hist. Arundel*. It does however appear probable that the Cardinal was in the receipt of £2000 per annum "bounty," from the English Court.—*Secret Service Expenses*, &c. 4to., Camden Society, 1851.

† Vescovádo, a bishoprick.

‡ Tiernay, p. 532.

§ The medical custodian of the duke.

|| Tiernay, p. 533.

The equipage and liveries were matters of lively concern; and there is an indication,—or it was an ebullition of the wine cup,—that the Court of England should have contributed to the Cardinal's triumphal progress; for the earl writes: "That the coach, or chariott, and six, was but a fancy, and a wyde discourse: besides, the very chariot now, you know, is given to the prince of Newburgh."\*

"Thus farr I wrote last night, till I was hurried away in hast, to attend his ma<sup>ty</sup> at the prince of Newburgh's, where, before supper, I spoke at large to the king and duke all your Em. complements, &c.; and not to trouble you with an unnecessary repetition, in short, his ma<sup>ty</sup> first, and you may believe, very particularly his royal highness, bad me write you word all your heart can wish or expect of kindness; and both not only permitt, but desire you should write freely to them, and, I judge, by the Portugall ambassador's means the properest, since I, for severall reasons, avoid such intrigues as publique ministers may more dexterously and safely manage. I was this morning with, and just now come from, the Portugall ambassador, and made a most ample complement, in my owne, and all the family's name, of thanks to her ma<sup>ty</sup>, and his excellency next, for their favor, &c. in your concerne. He tells me, since I dare not, as you know, go to Whitehall, that, next holyday at Somerset House,† he will introduce me to say all my abovesaid complements to her ma<sup>ty</sup>. He told me also his readiness to serve you, and hopes to stirr up the queen to make some good present to your Em. . . . ."

The letter is hurried to a conclusion, by the messenger, "Mons. Bloys, of Brugges, calling in hast, his shipp attending; besides which," says the earl, "I must confess I was disordered with drinking, farr beyond my custome, till 4 this morning; so as, judge how fitt I am to write any

\* Letter to Mr. Hay.—*Tiernay, Hist. Arundel*, p. 535.

† The queen's lodgings; and where she continued to reside until she left England. Her chapel was much frequented.

more at this time. But your Em<sup>ce</sup> is partly the occasion of engaging me last night in so good company, to this so unexpected disorder. Howere I have bin, ere since nine of the clock this morne, about towne, and so, will now go sleep, instead of dining, and close my letter as I began, with the assurance of your Em<sup>ce</sup> that time shall shew that I am in all sincerity, and without compliment, of your Em.

“The most humble and most devoted servant and brother,  
“NORWICH AND MARSHALL.”\*

The same letters that disclose so much brotherly affection between the earl of Norwich and cardinal of Norfolk, referred to animosity with other members of the family.† The settlement of 1646, made by their father, Henry earl of Arundel, had become a subject of family disagreement among the brothers. The earl of Dorchester, the surviving trustee, had been induced to assign his trust; the assignee‡ had conveyed to the earl of Norwich; and some legal technicalities had been performed for the assurance of a title at law in the new possessor of the trust estate. “A great dispute,” writes Sir John Reresby, “about this time arose between the lord Marshal, the earl of Norwich, (though commonly called duke of Norfolk) and his younger brothers; they not only petitioned the House of Commons in behalf of themselves,§ but also of their elder brother, the duke, whom the said lord Marshal kept up at Padua as a

\* Tiernay, Hist. Arundel, p. 530.

† Ante, p. 138.

‡ Richard Marriott, esq., attorney for the earl of Norwich.

§ On Wednesday, the 20th March, 1676, was presented “A petition of Edward and Bernard Howard, esqrs., and Alexander Macdonnell, esq. and the lady Elizabeth, his wife, sister of the said Edward and Bernard Howard, which concerns the marquess of Dorchester, the earl Marshal of England, and the earl of Peterborough, in point of privilege of parliament, being trustees for and on behalf of the petitioners.”—*Lords’ Journ.*, v. xiii., p. 80. And a few days afterwards was presented “A petition of Edward and Bernard Howard, two of the younger brothers of the Right Honorable Thomas duke of Norfolk, to whom the honor and dignities, as well as the estate, may in possibility descend.”—*Ib.*, p. 86.

lunatic, though perfectly in possession of his senses, praying that the House would be pleased to move the king to oblige the Marshal to send for him into England.\* Upon this a debate arose in the House, every one delivering his mind according to his belief or prejudices; till at length the gentlemen of the House, who had been at Padua, were desired to give their opinion as to the condition of the duke. Upon this occasion, I declared that at the time I saw him, he laboured under all the symptoms of lunacy and distraction."†

The younger brothers, for the moment, were referred to

\* A message from the Commons, desiring the concurrence of the Lords for an address to the king, with the object described, had been received long previously, namely, on Monday, 9th February, 1673.—*Lords' Journ.*, v. xii., p. 631. The motion was probably renewed, and being withdrawn, is not found on the Journals.

† *Memoirs*, p. 42. "This being carried to the lord Marshal, who was very conscious," adds Sir John, "that I was indebted to him for no obligation, he sent a gentleman to me the next day, to thank me for my generosity to a person who had not seemed to have been so much my friend as he ought to have been; and touching lightly on the affair of the blackamoor, he said he intended to wait on me to give me some further satisfaction as to that..... Reresby anticipated my lord's obliging condescension; and they parted with all possible demonstration of friendship. There had been "some differences at law" between the parties, and the "affair of the blackamoor" had not allayed the grief. A black servant belonging to Sir John Reresby having died, a report of unfair usage, which had obtained currency, suggested to certain courtiers, the possible conviction of the master for a felony; and, as a consequence thereof,—the forfeiture of his estate to the crown. The fate of the blackamoor was of little concern with the courtiers; but it came to the ears of the suspected knight, that his estate had been an object of solicitation at Court,—and *had actually been granted away from his family*,—in the event of his conviction! Sir John Reresby met the case, by a coroner's inquisition relieving him from the imputed charge; and he went to Court to demand inquiry. It did afterwards appear, that "Mr. Felton, of the Bedchamber, had begged the estate of the king" (*Ib.*, p. 50); and Reresby adds, that "My lord Yarmouth and lord Henry Howard had both given themselves the lye."—*Ib.*, p. 54. But the first grantee had so far secured his claim as to have entered a *caveat* in the proper office, against the pretension of any later supplicant!

their remedy at law; the duke,—despite the renewed agitation of party zeal, or the less excusable endeavours of affected family regard,—remained under the same supervision and restraint,—insensible to the last of the splendour of his inheritance, or of the honor the king had restored to his family in his person.\* Divested of the cruel mockery that had sought the decoration for the maniac's brow, how sad is the remembrance of his fate!

Will fortune never come with both hands full;  
But write her fair words still in foulest letters?  
She either gives a stomach and no meat,—  
Such are the poor—in health; or else a feast,  
And takes away the stomach!

“The duke of Norfolk, a lunatick, dyed at Padua, the 1st December last,” writes Sir William Dugdale, “so that now our Earl Marshal hath all his titles.”† The proud man, who, as commoner, added “Norfolk” to his name,‡ now signed “Norfolk and Marshall,” simply, without derogation of precognisance. He had attained to the highest rank of nobility within reach of his ambition. On Wednesday, the 15th January, 1677 $\frac{7}{8}$ , he took his place, and sat in the House of Peers, as duke of Norfolk, on the decease of his brother, the late duke.§ Hallowed in the distance of time, how great the remembrance of his ancestry; be it in their valour, their intrigues, their loyalty, their treasons, or their sufferings. Premier duke! first in rank of nobility below the blood of the throne, by representation of many generations, how distinguished the honor! The unhappy

\* Tiernay, *Hist. Arundel*; *Fam. Mem.* by H. Howard, of Corby, esq.

† Letter to Thomas Blount, esq., dated “Herauld’s Office, 8th January, 1677 $\frac{7}{8}$ .”—*Hamper’s Life of Dugdale*. Dugdale had been appointed Garter King at Arms, the previous year, on the decease of Sir Edward Walker; the earl of Norwich having most stoutly contested his prerogative of nomination.”—*Ibid*.

‡ Ante, p. 117. The signature, from its deduction in feodal heraldry, has always been the note of quality. Did not master Shallow “write himself, in any bill, warrant quittance or obligation, *Armigero*?”

§ *Lords’ Journals*, v. xiii., p. 129.

*imbécile*, who so long a time had interposed between these envied honors and their enjoyment, at length had been mercifully removed; and left the world for a more stable spirit to bustle in his place: but—the chance came late,—the time was out of joint. The entails too, that hitherto, while the elder brother lived, had given so little elbow room to his successor, should now have left him free to count his gains. But here, whatever might have been his close intent, like the ambitious Gloucester, he ran before his horse to market. Short was his hour of pride, and full of trouble. “All that cometh,” saith the preacher, “is vanity.” And, “Better,” observed the wise man, “is a dry morsel and quietness therewith, than a house full of sacrifices with strife.” The duke had taken his seat in parliament not many days, when the younger brothers and sister renewed their appeal by petition to the lords in parliament, setting forth “some matters wherein the duke of Norfolk is concerned.”\* They were all children of the same parents, and though the petitioners had no interest in the lands inheritable with the dukedom, they had rights under the hand and seal of their father; and they looked to the duke as the trustee of their claims on his estate. The appeal was attended with more success than on the former occasion; and it was ordered, “that the duke have a copy of the said petition.” On Monday, the 25th February, the duke acquainted the House, “that by reason of his late illness, he could not give any answer to the petition of his brothers, Edward Howard and Bernard Howard, and his sister, the lady Elizabeth Macdonnell, presented to the House concerning him; but will be ready to do it very suddenly.”† The House, however, was prorogued before the duke was prepared with his explanation; and finding, perhaps, that his

\* Lords' Journals, v. xiii., p. 143. The petition of Edward and Bernard Howard, the sons, and the lady Elizabeth Macdonnell, *widow*, and only surviving daughter of the right honorable late earl of Arundel, deceased, was presented on Friday, 8th February, 1678.

† *Ibid*, p. 161.

elbow-room was still in some sort controlled by trusts, he met the case by negotiation without the walls of parliament; and the more readily to fulfil present engagements, in the month of May, in conjunction with the duchess, the lady Jane, his wife, he sold another portion of the Talbot inheritance,—namely, his one-third part of the manor or lordship of South Wingfield, in the county of Derby.\*

Besides the debts of his ancestors, which the duke, with so much wisdom and good management had discharged, he likewise essayed the rebuilding of some of the family mansion-houses that, during a long period of disastrous years, from political events, had suffered damage and decay. Arundel House was taken down, with the design of replacing it with a palace,—honor to the restored dukedom!—to be called Norfolk House.† In the mean time he had improved and decorated, if not rebuilt, a convenient and quiet retreat at Weybridge, in Surrey, which had come to him by his second marriage. Thither he had removed in the summer of 1678; and there he had his *quondam* flatterer for a guest.‡

On the 23rd August, Evelyn relates that he went to visit the duke of Norfolk, at his new palace at Weybridge; but it was “at Sir Robert Reading’s importunity.” He had not been consulted in the improvements. The place was not to his mind;—perhaps he had no sympathy with it; for it was the inheritance of the “concubine;” and he met her there. “There was at Weybridge,” he writes, “The *duchess*

\* Deeds dated 28th May, 1678.—*Add. MS. (in B. M. Lib.,) No. 6707, fo. 6, 87.* An elaborate pedigree of the Talbot family and its connections, lords of South Wingfield, is in the same collection, *No. 6677, fo. 165.*

† An act of parliament had been obtained for rebuilding Arundel House, as far back as 1671. The same object, with its new name, was included in the act of 1679.—*Lords’ Journals, v. xiii., p. 549.*

‡ Evelyn had dined with the duke—the first time since his elevation,—on the 23rd January. But, flatterer no longer! It was then the diarist added: “The duke had now newly declared his marriage with his concubine, whom he *promised me (!)* he never would marry.”—*Diary, v. ii., p. 118.*

of Norfolk, lord Thomas Howard (a worthy and virtuous gentleman, with whom my son was some time bred in Arundel House\*), who was newly come from Rome; also one of the duke's daughters by his first lady.† My lord, leading me about the house, made no scruple of shewing me all the hiding places for the priests, and where they said mass;‡ but this confidence in no way inspired admiration. Convenient as may have been the arrangements for a papist, in the year 1678, the duke, he says, "hath laid out in building near ten thousand pounds, on a copyhold, and in a miserable barren sandy place by the street side. Never in my life," he exclaims, "had I seen such expense to so small purpose.§ The rooms are wainscotted, and

\* Poor Evelyn! The reminiscence of so distinguished an honor must needs have a parenthesis. Fifteen years before, he had twice found occasion to refer to the same flattering circumstance, when recording a visit from Mr. Howard's children; "my son John having been some time bred up in their father's house." But there was contamination in the honor he so much cherished; and he adds a *mem.* of the stern necessity for the severance of the youthful playmates.—*Ante*, p. 123.

† The lady Frances Howard. In 1680, she was married, in Flanders, to the marquess Valparessa, a Spanish nobleman: not a very fortunate alliance, if inferences may be drawn from facts. In a codicil to his will, dated January 5, 1683, the duke leaves "to his daughter, the lady Frances, marchioness Valparessa and her child, ten pounds *per mensem*, from the date of his decease, for one year; and if by that time her husband did not fetch her away, he directs one hundred pounds to be expended in taking her and her child to her husband at Madrid; and desires his son Thomas to see that this be done."—*In Cur. Prærog. Cant.*

‡ Evelyn was more fortunate in his information than Mr. Manning; who, describing the old house, says: "Up stairs are many passages and many small rooms. In the attic story is a room with a coved ceiling, used by king James as a chapel; within it is his bed-room, from which there is a private passage; and some small cupboards, called barracks, where his guards (who could have been very few) used to sleep."—*Hist. Surrey*, v. ii., p. 788.

§ Manning, who visited the place in its decay, says, "Ham, is an old mansion house, standing in a small park, at the conflux of the Wey and the Thames. It was formerly the Howards. The ground is flat, and there is little prospect. Near it are many very large cedars and firs, the largest perhaps in England."—*Ibid.* An earlier visitor describes the house as a

some of them richly pargeted\* with cedar, yew, cypress, &c. There are some good pictures, especially that incomparable painting of Holbein's, where the duke of Norfolk, Charles Brandon, and Henry VIII. are dancing with three ladies, with most amorous countenances and sprightly motion, exquisitely expressed.† It is a thousand pities,

large handsome structure, regularly built, of brick, with a fine lawn before the garden front. The grounds, about five hundred acres, are fenced in part by a fine sweep of the "fruitful Thames," and intersected by the famed "Virginia Water," winding its gentle course from the great park of Windsor. Less ornamental, by Pope's description, the navigable and—

—chalky Wey, that rolls a milky wave,

in its junction with the Thames, forms the limit of the property on the east.

Although no natural hills gave the notion of excavating a *Pausilippe*, there were capabilities for improvement that might have exercised the talent of an Evelyn. A fine command of water suggested the construction of an elegant cascade, in a solitude where the graceful swan moved in silence beneath the branches of the drooping willow: while pleasant views from the garden and the beautiful terrace on the Thames bank, afforded lively contrast to the contemplative shade of the Acacia grove. These and other improvements, however, were reserved for the taste of the fascinating Catherine Sedley, countess of Dorchester, who resided here, after the estate had passed from the Howards.—*London and its Environs described*, 1761. —*Dodsley*. Early in the present century, the last brick of the mansion had been carried away, and the green sward flourished over the site.

\* Parquetted? *Fr.* parqueter, to inlay.

† It represents three royal pairs dancing in a meadow, with a magnificent building at a distance; they are Henry VIII. and Anne Boleyn; and his sisters, Margaret, queen of Scots, and Mary, queen of France, with their second husbands, Archibald Douglas and Charles Brandon. This was Virtue's opinion. If, observes Walpole, the tradition that the picture represents only English personages, were not so well grounded, I should take it for a French composition. The person in the middle is a black swarthy man with a sharp beard, like Francis the First, and resembling neither the dukes of Norfolk or Suffolk; the former of whom is never drawn with a beard, the latter always with a short square one: add to this, that the figure called Henry VIII. (which certainly has much of his countenance) is in an obscure corner of the picture, and exhibits little more than the face. The painting is said to have been begun in France, by Janet, and might have been re-touched by Holbein, as it was probably painted for his patron, the duke of Norfolk.—*Anecdotes of Painting in England*, v. i., p. 152. The criticism of Virtue is as curious as the painting; and whether it was a

(as I told my lord of Arundel, his son,\*) that that jewel should be *given away*.”†

The king was at Windsor; and Evelyn tells, that on the 25th, he went in the evening with “my lord duke” to the castle. There was a most magnificent Court, it being the first time of his majesty’s removing thither since it was repaired.‡ The Court, however, had been there since the 14th; the king, his evenings amused in its brilliant circle, passed his days in fishing, and walking in the park, much better pleased with retirement than with the hurry of the gay and busy world.§ Indeed, his majesty appears to have made himself particularly happy, considering it had been so recently disclosed to him|| that “two men, called honest William, and Pickering,¶ were watching for an opportunity

“tacit satire” on the majesty of England, not unconnected with certain supposed ambitious pretensions of the House of Norfolk, remains a question as Walpole left it,—*ut supra*.

\* Afterwards duke of Norfolk; lord Mowbray, by writ of summons to parliament, *vitâ patris*; Arundel, by courtesy.

† Diary, v. ii., p. 120. It will be gratifying to the shade of Evelyn to know that it was *sold*—about half a century afterwards—with the remainder of the Arundel collection; and then became the property of the father of Col. Sothby, the possessor in Walpole’s time.—*Anecdotes of Painting*, v. i., p. 151.

‡ Diary, v. ii., p. 120.

§ Reresby, Mem.

|| On the 13th August; his majesty having engaged himself to go to Windsor, with the Court, on the morrow.—*Echard*.

¶ William Ireland and Thomas Pickering, both priests, were arraigned at the Old Bailey on the 17th December, for high treason, on the charge of a design to subvert the Government, and to murder his majesty’s person. Oates deposed that at the “grand consult,” on the 24th April, at the White Horse Tavern, in the Strand, Ireland being present, it was agreed to go on with the design of murdering the king; that John Grove, a lay-brother, also indicted, should have fifteen hundred pounds for his reward; and Pickering, being a priest, thirty thousand *masses*, at twelve-pence a piece, which would make the same sum! That the resolve was drawn up in writing, and signed by the parties in presence of the witaess. Oates moreover declared, that he had seen the prisoners several times walking in the park, with long screwed pistols (shorter than some blunderbusses), watching their

to shoot him," and might then be expected behind every bush; moreover, that Sir George Wakeman, physician to the queen, had been hired to poison him.\*

At this time, we are told, ease and plenty increased in the country, trade and riches abounded in the city, luxury

opportunity: he had also seen the *silver bullets* to shoot with; which Grove, more cruel than the others, would have had "champt, to render the wound incurable." Thrice had their villainous attempt proved abortive;—once, "the flint was loose, and the ruffian durst not give fire;" again, "there was no powder in the pan;" and a third time, "the pistol was only loaded with bullets!" Such is the special Providence that doth protect the life of an anointed king!

In defence, the prisoners solemnly denied the charge; Pickering declared he had never seen Oates before; and Ireland objected against the evidence, that it could be proved by many persons he was himself in Staffordshire, and that Oates was at St. Omer's at the time he had sworn to the meeting in London. The prisoners were convicted, and received the sentence of traitors; but their execution was long delayed by the unwillingness of the king to sign the warrant.

On the trial of Oates for perjury, it was proved by two-and-twenty witnesses, that he was at St. Omer's at the time he had sworn to the grand consult at the tavern in the Strand; and by many more, that Ireland was in Staffordshire, as he had stated. Nevertheless, the "grand consult," or a meeting that Oates dignified by that name, had really taken place on the day named; and in examining the particulars of his plot, there will frequently be found some *fact* that had come to his knowledge, on which he had erected his fictitious superstructure. In this case, his knowledge was but slight; had he known more, perhaps he had been less inventive; for Sir John Reresby, referring to the perjuries of Oates, says: "The king [James the Second] observed to him, 'Indeed, there had been a meeting of the Jesuits that day; that *all the scholars of St. Omer's knew it*; and that it was well Dr. Oates knew no better where it was to be; for, said his majesty, *they met at St. James's*, where I then lived; which, if Oates had known, he would have cut out a fine spot of work for me.'"—*Mem.*, p. 195.

\* Sir George Wakeman was brought to trial at the Old Bailey on the 18th July, 1679, and acquitted. On this trial, Oates swore, that being at Somerset House, he had heard a woman's voice say, "she would assist Wakeman in poisoning the king;" and that on entering the room, the only woman there was the *queen*: that he had *seen* a letter in the hand-writing of Wakeman, addressed to Ashby, the jesuit, in which he had repeated the promised assistance of the queen: and that he had *seen* an entry in the "Jesuit's Entry-Book," to the effect: "Memorand. such a day of August, £15,000 was proposed to Sir George Wakeman, which he accepted."

and pleasure triumphed in the Court.\* The session of parliament had closed without any great complaint of the growth of popery; the marriage of the princess Mary with the prince of Orange having in some measure counterbalanced the less promising alliance of her father, the duke of York; and although "it had taken air and been understood that there was a resolution to give no more money until satisfaction had been obtained in matters of religion," his majesty, on the other hand, had plainly given his parliament to understand, "that he would not for the future suffer the old course and method of passing laws to be changed, by *tacking together several matters in one bill*."† And in foreign politics, barring a little intrigue of Barillon, the French ambassador, and the duchess of Portsmouth, the atmosphere had not been particularly clouded. The popish plot, therefore, came upon the world by surprise, and upon the House of Howard with dismay; one of its members (the viscount Stafford) uncle of the duke of Norfolk, being a notable victim of the infamous conspiracy. With the king himself, it made so little impression that, while promising the lord Treasurer "to be very careful of himself," he appears never to have given any credence to the tale,‡ notwithstanding that in the event of his escaping

\* Echard, v. iii., p. 458.

† Speech from the Throne, May 23, 1678. The practice, however, still continued to prevail, sometimes as a seasonable composition for grievances; at others, as a means of passing obnoxious measures. Twenty-five years later, the MS. note of a contemporary, in the annals of the day (*penés script.*) points out to indignant posterity "The names of those infamous for voting to *tack* the Occasional Conformity to the Land Tax Bill."

‡ "Talking over the matter with the king," says bishop Burnet, "we agreed in one thing, that the greatest part of the evidence was a contrivance."—*Hist. Own Time*, v. ii., p. 168. 8vo. To Sir John Reresby, his majesty made the same observation, adding, "that he did not believe one word of the whole story: that the evidence was not only improbable, but impossible."—*Mem.*, pp. 67, 103. If these were the king's real sentiments, and unquestionably they were, in his coincidence with the parliament, perhaps he may be chargeable with exercising his "talent for dissimulation;"

the Doctor's artifices, and the silver bullets of the bush-rangers before named, "Conyers and Anderton, Benedictine monks, and four Irish ruffians, had been engaged to stab him."\*

As to the plot against the nation, the discovery disclosed a widely spread conspiracy, of many items, the principal being,—1. That the pope in congregation *de propaganda fide*, had, according to precedent, declared "all the king of England's dominions to be part of St. Peter's patrimony, forfeited to the Holy See for the heresy of prince and people. 2. That the English Cardinal Howard had been appointed by his holiness, his legate, to take possession of England in his name, with the archbishoprick of Canterbury as an augmentation; and forty thousand crowns a year for the maintenance of his legantine authority."†

or, in the language of the French historian, father Orleans, with "counterfeiting a credulity which was made use of to the committing of much injustice."—*Echard*, v. iii., p. 481. Yet it must be remembered, that in his speech from the Throne, the king had said "he would leave the matter to the law;" and, however the lamentable administration of justice is to be deplored, the convictions were not obtained by Court influence. The king's position, by no means an enviable one, seems truly represented, and his future conduct prevised, when he said, "I find there is like to be a great deal of bloodshed about this plot; and the times are so troublesome and dangerous to me, that I dare not venture to pardon any that is condemned."—*Ibid.*, p. 473.

\* *Echard*, v. iii., p. 459. The four Irish ruffians are referred to in the trial of Coleman, the duke of York's Secretary. Oates swore to a conversation at Wild House, in the month of August; Coleman asking father Harcourt, "What care had been taken of those four Irish gentlemen that went last night to Windsor?" Harcourt replied, that "eighty pounds had been ordered them," which the witness saw there on the table, most of it in guineas; and that Coleman gave a guinea to the messenger to expedite the business."—*Ibid.*, p. 483.

† *Echard*, Hist. Engl., v. iii., p. 458. "In Ireland, the pope had nominated Peter Talbot, titular archbishop of Dublin, his legate to take possession of that kingdom; and his brother, Richard Talbot, General of all the forces there, consisting of seventy thousand catholics, besides the French auxiliaries."—*Ibid.* The latter was well known as a zealous papist; and when James the Second, in 1686, remodelled his army, Richard Talbot was

This was sufficient to arouse any loyal catholic, who professed himself an Englishman; and it stirred the duke of Norfolk, more particularly as a family matter, wherein the honor of his name, if not the safety of his house and his person, became involved: his endeavours were so active to fathom and discredit the plot, that, says Roger North, "had not Mr. Titus Oates once been his chaplain (which was his protection), he had certainly been included as a conspirator in the alleged treasonable designs."\*

The murder of Sir Edmundsbury Godfrey, "as was manifest," says Evelyn, "by the papists,"† was another

created earl of Tyrconnel, and appointed Lieut.-general of the army in Ireland; a circumstance that took hold of the public mind, in connection with Oates' narrative of the popish plot, and gave occasion to Dryden's lines:—

Some future truths are mingled in his book,  
But where the witness failed, the prophet spoke.

\* Examen of an Historical Libel, &c. (Kennett's History,) p. 202. The words of Bishop Burnet are, that Oates "got a *qualification* from the duke of Norfolk as *one of his chaplains*; and there he fell into much discourse with the priests that were about that family. He seemed inclined to be instructed in the popish religion; and one Hutchinson, a jesuit, had that work put on him."—*Hist. Own Time*, v. ii., p. 146. 8vo.

By statute, a duke might entertain six chaplains, "*de vitæ probitate, morum integritate, et sacrarum literarum scientia*;" the retainer being a formal appointment by deed under seal, "*in numerum capellanorum meorum domesticorum, ad deserviendum mihi circa divina officia, infra ædes meas celebranda*."—*Jacob, Law Dict.* With a catholic peer, the appointment could only have been nominal, with other views of emolument,—arising perhaps, from a church living, in the patronage of the duke; which Oates is represented to have held. But this position of respectability presents so many difficulties in connection with the infamous reputation he afterwards acquired, and the extreme poverty into which he is represented to have fallen, on adopting the religion of his patron, that Mr. Echard is contented to observe, "after enjoying a small vicarage in Kent, whence he removed to another in Sussex," Oates, "for some time *got into* the duke of Norfolk's family, where he particularly sided with the Socinians; became very uncertain in his principles of religion, and infamous in his morals."—*Hist. Engl.*, v. iii., p. 461. Absorbed in the notoriety of his offence against society, the received biography of Titus Oates is exceedingly unsatisfactory.—See *Additional Notes*.

† Diary, v. ii., p. 126. If the evidence that convicted three persons,

cause of anxiety. Having been missed for some days, the Council, says Burnet, were assembled, and were about to make order for a search, but were diverted by the several stories brought them by the duke of Norfolk, whose officiousness in the matter, and Godfrey having been last seen near Arundel House, brought the duke under great suspicion.\* These were circumstances that very naturally induced him to "hasten with great joy to Whitehall with the news of the discovery of the dead body;" and, as North expressed it, "escaped a scouring for his pains."† The duke, in addition to his known loyalty to the person of the king, claimed to be a christian and an Englishman; eminently one of those by the earl of Bristol distinguished as a catholic of the *church*, not of the *court* of Rome. Several years before this unhappy crisis, writing of the hot-headed pretensions of father Labourne (who, however, afterwards became the active Secretary and Auditor to Cardinal Howard‡), the duke (then lord Henry Howard) had expressed in very strong terms his opinion that "the indiscreet zeale of some should not bee laid hould on, as to rayse

could be at all credited, Godfrey was murdered by two papists and one protestant. The design had been to implicate the queen in the plot; but the earl of Ossory, and the duke of Monmouth, appointed by the king to test the evidence on the spot (at Somerset House), came to the conclusion, "that it was all a cheat."—*Echard*, v. iii. p. 507. And of the "discoverer," who received £500 and a pardon under the great seal, the king said to Sir John Reresby, that "Bedloe was a rogue, and he was satisfied had given some false evidence concerning the death of Sir Edmundsbury Godfrey."—*Mem.*, p. 72. Roger North, from a review of all the circumstances, suggests the crime to have been committed to assist the flagging plot. It had that effect.

\* Hist. Own Time, v. ii., p. 153. Sometimes it was said Godfrey was murdered in Arundel House; at other times, in the lord Bellasis's cellar; and then again, that the duke of Norfolk's coach was seen to come from Primrose Hill on the Saturday that the murdered man was missed. But at last they pitched upon Somerset House, and adhered to that place, as a popish palace, though two miles from where the body was found.—*Echard*, v. iii., p. 501.

† Examen, p. 202.

‡ See the Diary of Dr. Thomas Cartwright, bishop of Chester.—*Cumden* *Sec.*, 1843.

a storme or crime in those who desire to bee quiet, for yow know already how unjustly our enemies accuse us for so much dependance in secular affaires from Rome: whereas I sweare, in secular matters and things not of faith, but of secular power and interest, should the Pope himselfe come with an army to invade us, I dare sweare that n'ere an understanding papist in England but would, upon that scoare, shoote a bullett in his head; for I am sure I would: for, in all matters abstracting from secular government and our copyholds heere, I'le beleeve as farre as any in spirituall matters."\* Nevertheless;—whatever might have been his special protection;—the written evidence of his opinions, religious and political; protestations of innocence; nor the improbability of the allegation, would have been sufficient, in all probability, to save the duke from a traitor's fate, had the inventive genius and the fatal oath of Titus Oates, at this time, been directed to his ruin. The nation and the parliament were not unprepared to receive and give credit to extraordinary stories of papal aggression or Romish intrigues; and although to support this formidable plot, there was in reality no evidence beyond the daring effrontery and bold swearing of the witnesses, people and parliament seemed to vie with each other in credulity; and, for a time, the most improbable testimony bore down all opposition. The growth of popery, so long a standing complaint; the activity and increase of the Romish priesthood; the boldness and zeal of the Jesuits, all contributed to a result that accepted the most monstrous improbabilities as sterling truths.

On the 21st October, the parliament met according to adjournment; and the "plot" became a necessary particular of the royal speech. "I now intend to acquaint you," said the king, "(as I shall always do with anything that concerns me) that I have been informed of a design against

\* Letter to Father Lesley, at Rome, dated August 30, 1667.—*Tiernay, Hist. Arundel*, p. 525.

my person by the Jesuits, of which I shall forbear any opinion, lest I may seem to say too much or too little: but I will leave the matter to the law; and in the mean time will take as much care as I can, to prevent all manner of practices by that sort of men, and of others too, who have been tampering in a high degree by foreigners, and *contriving how to introduce popery amongst us.*"\* The lord Chancellor followed with a modest recital; and the lord Treasurer, contrary to the king's desire, laid on the table of the House, the sworn informations of Titus Oates. The Commons, we are told, at the awful disclosures, "fell into a flame,"† and the Upper House, being not less excited, the result was, a joint address to the king to adopt rigorous measures against popish recusants; and his majesty, graciously complying with the request, an order in Council, followed by a proclamation, commanded all papists to depart from London and Westminster, and places within ten miles thereof, on or before the 7th day of November next.‡ At the same time, the House of Commons considering one of the principal dangers of the time to arise from the interest of popish members of parliament, prepared a bill "for the more effectual preserving the king's person and government, by disabling papists from sitting in either house of parliament." This bill (with a clause excepting the duke of York from its operation) very readily passed both houses

\* Echard, v. iii., p. 469. The *increase* of popery was the real extent of the "plot;" and the letters of Coleman, having that aim, were the only *facts* produced in evidence; but they formed an ample basis for an extensive superstructure of visionary designs. Not satisfied, however, with documentary proof, and determined on obtaining the most *convincing* testimony, the Council "sent for and examined Mr. Gadbury, the astrologer, who affirmed that Mrs. Collier (a popish midwife), had often told him, 'she did not question, but in a little time she should see Westminster Abbey become a convent of Benedictines, and the Temple stockt with Fryars.'" —*Sydney Correspondence*, v. i., p. 253.

† Echard.

‡ Proclamation, October 30; explained by another of November 12; and about the same time a reward of twenty pounds was offered to any one who should discover and apprehend any Romish priest or jesuit.

of the legislature; and on the 30th November, the king being on his throne, it was presented for the royal assent, and became law,—to the great satisfaction of the people.\*

Ten months only had elapsed since the Earl Marshal of England had taken his seat in parliament, in the place of his ancestors, as duke of Norfolk; and this was the last day of his legislative power! From the moment the king had given his assent to the bill of exclusion, the seat of the premier duke was vacated, and a gag was in his mouth. But he retired with *éclat*, as a loyal member of a protestant parliament; the lord Chancellor, by instructions from his Grace, acquainting the House with a legal doubt, “that if there was not an immediate proceeding to take the oath and declaration prescribed by the statute just passed, ‘for disabling papists from sitting in either house of parliament,’ it would be questionable whether there would be a House of Peers on Monday to supply the defect.” An opinion prevailed that the necessity was not urgent; that there would be no danger of dissolving the House by the omission; yet, for avoiding all scruples and objections that might be made, some of their lordships did immediately take the oath and make the declaration, with resolution to repeat the same on Monday. And the House was moved “to take notice of the good service of the duke of Norfolk herein, before his withdrawing, which their lordships took very well of him, and ordered, that a memorandum thereof be entered on the Journals, for the honor of his Grace.”† It remains there still; so enduring, yet how blighted the laurels that crowned his ambition! The deprivation of

\* Echard, v. iii., p. 481. A bill of exclusion, directed against the succession of the duke of York, and an address to his majesty with that object, were anticipated by a “a handsome check” from the throne; the king declaring his readiness to assent to any reasonable measures for the security of the protestant religion, so that they did not impeach the right of succession, the descent of the crown in the true line; nor restrain his majesty’s power or the just rights of any *protestant* successor.—*Speech to Parliament*, Nov. 9, 1678.

† Lords’ Journals, v. xiii., p. 394.

legislative power was not, however, the only misfortune that attended his expulsion from parliament; it was accompanied with loss of privilege to an extent that subjected himself and family to the operation of the order in council for the expulsion of popish recusants from the metropolis and country around. Failing health added its affliction to the mischances of fortune; and the duke was necessitated to become a petitioner for the indulgence of his peers.

On Monday, the 16th December, "the House being informed that the duke of Norfolk, in obedience to his majesty's late proclamation, having withdrawn his family into the country, where, falling very sick and in want of necessary helps that were not easy to be had but in London, his Grace had come to town, and prayeth that three men servants to attend his Grace; his second son, the lord Thomas Howard, with one man servant; and four women servants, to attend the duchess of Norfolk, his wife and two small children; together with the lady Frances Howard, and two women to attend her, may be permitted to come to town and remain there during the duke's sickness, and for three days after his recovery."\* The lords spiritual and temporal acceded to the petition, as prayed, for the family, with the number of servants mentioned, "and no more;" and for the time specified, "and no longer."†

The "miseries and disorders" the duke had long apprehended the increase, were now accumulating with a force fearful to contemplate; and the greatness of nobility paled before the "grandeur of persecution." The first peer of the realm, a popish recusant, holding his freedom of residence on sufferance; his personal liberty at the mercy of any aspiring trading witness; with the popish plot thickening around him, the place of his birth was no longer an Englishman's home; and, though suspicion followed him into exile,‡ the duke sought safety, and relief, if not

\* Lords' Journals, v. xiii., p. 419.

† Ibid.

‡ 1679. September. The beginning of the month, one Mr. Fox, who

exemption from surrounding cares, in his peaceful retreat at Bruges. He had been in his foreign retirement but a few months when his domestic troubles increased; and an attempt was made to relieve them in part, by a bill introduced in parliament, in the name of his son, "for vesting some of the manors and lands of the duke of Norfolk and Henry, lord Mowbray, his son, in trustees, for the payment of debts and annuities; for raising a portion for the lady Frances Howard;\* for rebuilding Norfolk House,† and continuing the residue of the manors and lands, after trusts performed, in the dukedom of Norfolk." This measure was conducted after the manner of "a friendly suit," nominally hostile, the lord Mowbray being required to give the duke notice of the bill, and to satisfy the House thereof.‡ In the following year, the duke sold the manor of Ashted, in Surrey, portion of the ducal property, derived to his ancestors from the Fitz-Alans, earls of Arundel.§

belongs to the duke of Norfolk, was seized, and several letters found about him, but of what moment is uncertain.—*Luttrell's Diary*, v. i., p. 21.

\* Afterwards the marchioness Valparessa.

† Formerly described Arundel House. The design was not executed, and the site of the old mansion and gardens, is now occupied by Arundel Street, Norfolk Street, and Surrey Street, in the Strand.

‡ May 2, 1679.—*Lords' Journals*, v. xiii., p. 549. On the 14th May, Henry Keymour being examined, said he went to Flanders with the order of the House and copy of the Bill, which he delivered to the duke, as his Grace was going to Bruxelles. The duke received him kindly, but could give no answer suddenly, as it must be considered of; he waited two or three days and came away.—*Ib.*, p. 572. On the 20th (the bill having been read a second time, and committed on the 15th), a letter was received from the duke, on the subject of the bill, which was referred to the Committee.—*Ib.*, p. 581. On the 26th May, the report of the Committee being presented to the House, it was ordered that the duke have notice, and a fortnight to appear with reasons, or to empower some person sufficiently authorized, to offer what his Grace may think sufficient concerning the lord Mowbray's bill.—*Ib.*, p. 593.

§ Add. MS. (in B. M. Lib.) No. 6167. It was sold to Sir Robert Howard, (son of the earl of Berkshire), knighted on the field for his gallant defence of a pass near Cropedy Bridge, June 29, 1644.—*Ibid.*, No. 17,062.

If the petitioners, Edward and Bernard Howard, were satisfied in their worldly expectations, the existing family differences were still unappeased; there was yet another brother, their elder, ill-pleased with his condition; with claims coincidental in interest with the accession of his noble relative to the family honors; and thus had arisen another, and a severe contest in law and equity between two brothers, that outlived the noble defendant, contumacious in injustice, and became a memorable case in the law books, not less for the obstinacy of the litigation than the legal artifices employed to evade the honest performance of a trust. The race of shrewd lawyers had never greater scope for the exercise of crafty genius, than that afforded by the creation of legal fictions, introduced in perilous times for the evasion of personal responsibility,\* and the proud ambitious duke mingled wormwood in his cup, when he listened to the wily tempter, whispering in his ear—

Thou art the duke: the law is absolute.  
Who shall gainsay thine heritable right?

Mr. Charles Howard of Depden, in Surrey, with the intervention of the Cardinal (dead in law), was next brother to the duke; and on him certain contingent interests had been settled, in 1647, by the earl of Arundel, his father, in the event of his second son succeeding to the honors of his family.† The contingency had occurred; the probability had become a fact accomplished; Mr. Charles Howard had claimed the benefit of his altered position in the family; and his appeal in law and equity had been met by that

\* It would be out of place here to discuss the Doctrine of Uses,—one of the most interesting subjects embraced within the study of Historical Law. The settlement, which in this case raised so much legal argument, and was ultimately established, was drawn by that learned pleader, Sir Orlando Bridgman, afterwards Chief Justice of the Common Pleas, and lord Keeper of the Great Seal. Lord Chancellor Nottingham said, “I know the fact;” and the circumstance appears to have had some weight in his argument.

† Ante, p. 63.

potent estoppel—privilege of parliament,\*—that in so many instances protected noble blood from the just retribution of its misdeeds. The younger brother addressed an appeal to the High Court, whose privilege had been set up in bar to his claim; and his petition† disclosed the following circumstances: “That his father, Henry Frederick, earl of Arundel, being seised in fee (*inter alia*) of the manors of Greystoke and Brough, in the counties of Cumberland and Westmoreland, finding that his eldest son, the lord Maltravers, since duke of Norfolk, was like never to marry, but the honor and estate like to descend upon Henry, his second son, the now duke of Norfolk, he, by certain indentures, dated the 21st and 22nd March, 1647, vested the premises in four trustees and their heirs, in trust, for certain uses that had been fulfilled; and in remainder for a term of two hundred years, in trust, to the use of Henry, now duke of Norfolk, *during the life of Thomas, his elder brother, or any heirs of his body*; remainder, after the said Henry’s coming to the title of earl of Arundel (and the vast estates annexed thereto), to the use of Charles Howard, his then third son, and the heirs male of his body; remainder to Edward Howard and his heirs male; remainder to Francis Howard, and the heirs male of his body; remainder to Bernard Howard, and his heirs male; remainder to the right heirs of Henry, their father.

“The trust was vested in James, late duke of Richmond and Lenox, Edward lord Howard of Escrick, Sir Thomas Hatton, Knt., all three deceased; and the right honorable lord marquess of Dorchester, the only surviving trustee.

\* Some acts of trespass, made with the view of bringing the claim to an issue of right, in the barony of Brough, in Westmoreland (the right of fishing in the river Eden), had been brought before parliament as a question of privilege, on the “petition of Richard Marriott, servant to the duke of Norfolk, a peer of the realm, now in parts beyond sea,” the 26th March, 1679.—*Lords’ Journ.*, v. xiii., p. 481.

† Presented November 15th, 1680.—*Lords’ Journals*, v. xiii., p. 670.

“On the decease of his father, in 1652, Thomas, eldest son of earl Henry, became earl of Arundel (afterwards duke of Norfolk), whereby Henry, now duke of Norfolk, became entitled to the premises during the life of Thomas, his elder brother.

“Thomas duke of Norfolk dying without issue, lord Henry, his brother, became duke and earl; by means whereof the trust of the premises, for the remainder of the term of two hundred years, determined as to him, and devolved on Charles Howard, his brother, by virtue of the settlement mentioned.

“Charles Howard well hoped to have been let into the possession, and to have received and enjoyed the rents and profits thereof; but, attending the right honorable the marquess of Dorchester thereon, he finds, that on the 10th November, 1675, Henry, then earl of Norwich, (now duke of Norfolk) applying himself (together with Richard Marriott, esq., attorney-at-law, who well knew the trusts and settlements aforesaid) to the marquess of Dorchester, they prevailed on him (under pretence of preserving the trusts, and having the same in a hand that the younger brothers well knew, and could trust, and might have free recourse unto\*) to transfer his legal interest in the premises for the residue of the term of two hundred years, to Richard Marriott, the duke's agent and solicitor, subject to the same trust appointed by earl Henry's settlement, in 1647. And the said Richard Marriott, in breach of trust, and with design to ruin Charles Howard and his heirs male, when Charles came to enter the possession, and demand the rent of the premises, pretended that he was a servant to his Grace, Henry duke of Norfolk, and must obey his com-

\* The excuse of the marquess of Dorchester resigning the trust, was said to have been, that the tenants in the north would not be brought to renew their estates whilst so aged a person did continue in the seignory, for fear he should die quickly, and they should be compelled to pay a new fine.—*Argument of lord Chancellor Nottingham.*—*Hargrave, MS. (B. M. Lib.) No. 153.*

mands: that he was no other way concerned, than that his name was made use of, and the legal interest in the premises conveyed to him by the marquess of Dorchester, by a conveyance for that purpose prepared; and that at the same time there was another deed prepared, which the duke commanded him to execute, whereby he conveyed all his interest, and the estate in law he had in the premises, to the said duke absolutely, without any limitation thereof to any use whatever; and the said duke being attended, and desired to permit the trust to be performed, and to suffer Charles Howard, his brother, to enjoy the premises according to his father's settlement, he denied to do the same, alleging the same had been conveyed to him by Marriott absolutely, without being subject to any trust,\* and that being in the possession thereof, he hath levied a fine and suffered a common recovery in the lifetime of Thomas, duke of Norfolk, whereby the said Charles's estate, limited by the original settlement of earl Henry, his father, is barred and destroyed. Charles, finding himself thus ill-used, and designed to be utterly ruined in his fortune, exhibited his bill in equity against Henry duke of Norfolk, the lord marquess of Dorchester, and the said Marriott, to be relieved in the premises, and to have the estate in equity decreed to him and his heirs male, during the remainder of the two hundred years aforesaid. To this bill the marquess of Dorchester hath put in his answer and thereby confesseth all the matters aforesaid, that relate to him, to be true, as before expressed. Richard Marriott hath done the same. His Grace, the duke of Norfolk, stands out all process of contempt for not answering; and now insists on his

\* The position of Marriott and the duke is an exaggeration of the old spelling-book fable; for the latter, admitting the possession, pleaded the absolute gift of his confederate in the fraud. With less effrontery, the thief who stole the leg of mutton, said: "I have it not;" and his companion, who had it beneath his cloak, "I did not take it away." Commenting on this part of the case, the lord Chancellor observed: "Nothing can excuse Marriott from being guilty of a most wilful and palpable breach of trust."—*Ibid.*

privilege of parliament, to stop all proceedings against him in that court. Whereupon, the said Charles hath humbly petitioned this most honorable house, setting forth that the matter in question is only a trust in his Grace, and a thing wherein he hath no real interest of his own; and that having taken the trust upon himself, no privilege ought to be allowed whilst such trust is under debate.\* Nevertheless, the said Charles Howard, unwilling to infringe the privileges of this honorable house, prays that he may be at liberty to proceed in Chancery against the said duke for the matter aforesaid.”†

These were startling facts; and so far took the attention of the House, that their lordships ordered, “That the said Charles Howard do give notice to the duke, who is to put in his answer on Monday, the 29th November instant, at ten of the clock.”‡ A further petition intimates, “that his Grace had been attended with the order of their lordships, and a copy of the petition; and the said Charles Howard most humbly implores the favour of the most honorable House to consider his deplorable condition; and that being confined to his chamber by great sickness, their lordships would either grant him the leave desired, or hear him by his counsel, to make out the truth of the premises, before any order be given in the case against him.”§

The lords decided that the petitioner should be at liberty to proceed in equity; and on the 24th January, 168½, writes Luttrell, “the case of the duke of Norfolk was argued in the Court of Chancery, Westminster, where the two Chief Justices and the lord Chief Baron assisted the lord Chancellor. After a long debate, the three judges agreed

\* “Earl of Westmoreland v. lord Hollis. Order of the Lords, December 15th, 1670.”

† Case of Charles Howard, esq.—*B. M. Lib.*, 12 *E. l.* 136.—5. The petition was presented on Monday, 15th November, 1680.—*Lords' Journals*, v. xiii., p. 670.

‡ *Ibid.*

§ Case, &c., ut supra.

in one opinion,\* but the Chancellor, after a rhetorical speech, and some reflexions on the judges, differed at last in opinion from them."† Conscientious, but not determinate in his own judgment, the lord Chancellor directed the case to be re-argued, before giving his final resolution; and then, with many apologies for his fallibility, he adhered to his former opinion, and decreed accordingly.‡ The decease of the earl of Nottingham, however, at the end of

\* The judges were the lord Chief Justices Pemberton and North, and the lord Chief Baron Montague, who gave judgment for the defendant, on the ground that the reversion to Charles Howard was not good in law. As a mathematical fact, it is demonstrable that if a man give the *whole* of a thing to one, he has nothing left of it to give to another. So in law, inasmuch as a gift to a man and his heirs constitutes a gift in fee (the whole, in legal phrase), there can be no *remainder* to give to another. Thus, when the estate was given to the elder son and *his heirs*, it was held the estate in fee became vested in him; and if so, where was the remainder to the younger son? *Ergo*, the limitation to Charles, said lord Chief Justice Pemberton, is void in law. But the equity of the case was, that the legal estate being vested in trustees for a term of two hundred years, to attend the inheritance under the deed, it was the *use* only that became vested in the several occupants indicated by the settlement; and amounted, in each possession, to no more than a limited or life interest in the rents and profits.

† Diary, v. i., p. 160. The lord Chancellor Nottingham viewed the case as of universal concernment to all men's rights and properties in their estates and the disposition of them; and, after reviewing the arguments of the learned judges, said: "My present thoughts are, that the trust of this term was well limited to Charles, who ought to have an account of the mean profits for the time past, and a recompense made to him from the duke and Marriott, for the time to come. But I do not pay so little reverence to the company I am in as to run down their solemn arguments and opinions upon my present sentiments. And therefore I will not suffer any decree to be entered in this case as yet. Perhaps it may be thought fit, considering the difference of opinions and the difficulty of the case, to adjourn it into parliament; but I will give myself some time to consider before I take my final resolution."—*Hargrave MS. (B. M. Lib.) No. 153*. Argument and Decree of lord Chancellor Nottingham, printed for George Tattershall, esq., of Finchamsted, in the county of Berks, fol. 1685.

‡ Decree, 17th June, 1682. The plaintiff to enjoy the barony for the residue of the term of two hundred years; the defendant to make a conveyance accordingly; and to account to the plaintiff for the profits since the demise of duke Thomas.—*Ibid.*

the year, introduced lord Chief Justice North to the wool-sack, by the title of lord Keeper; and the case being brought before him, he reversed the decree of his predecessor, and confirmed the duke in his title at law.\* Thus decided for the moment, the case was reserved for the higher Court of Appeal to review the decision; and the unseemly incident of two brothers combating over a legal fiction,—one standing on the subtlety of the law, the other on the equity of his claim, was to be renewed, had Providence permitted; but it was otherwise decreed by Him; and the duke left the brief possession and the legal defence of the northern lordships in dispute as an heirloom to his son.

Whether precedent or politics most assisted Mr. Charles Howard in his appeal to the peers, ever jealous of their privileges, the time was opportune; prejudice was running high against popish lords; and although there was no community of sentiment between the duke and his noble uncle, beyond their common religious faith, it happened that the complaint against the nephew was laid before the House while the clamour was loudest against the viscount Stafford; and the peremptory order for the duke's answer was made returnable on the day before his aged relative was brought to his trial in Westminster Hall. The result of the petition dispelled the immunity from civil obligations in which the duke had indulged. It had been argued on a former occasion that an absent peer was not entitled to privilege;† and, braving political troubles, he perhaps thought it best to meet his private danger in the breach. Letters from Brussels, January 27th, 1681½, mention the departure of the duke and duchess of Norfolk for Eng-

\* Decree, May 15th, 1683. It is evident the duke considered the contest at an end; and the costs of the suit to be his due; for in a codicil to his will, dated the 8th January following, he "forgives his brother Charles his debt to him, which he computes at £1700, upon condition that a release be given within a certain time.—*In Cur. Prærog. Cantuar.*

† Debate on Marriott's petition, 26th March, 1679.—*Ante*, p. 191.

land;\* and Luttrell records their safe arrival from Flanders early in the following month.† The retirement, if it yielded any contentment, had not been unalloyed with care: the marriage of his younger daughter,‡ illustrious as it may have been esteemed, proved but an ephemeral joy; and a

\* London Gazette, No. 1690.

† Diary, v. i., p. 164.

‡ The duke's eldest daughter, the lady Elizabeth Howard, had been married several years before (when her father was earl of Norwich), to George Gordon, marquess of Huntley, grandson of that valiant and unfortunate namesake, beheaded at Edinburgh, 22nd March, 1649, for his loyalty to the royal House of Stuart. George Gordon was brought up in France, not in very affluent circumstances, since the paternal estate had been seized, on the death of his grandfather; and the participation of his father in the same desperate cause had been a bar to the favor of the power that ruled the State. Lewis, marquess of Huntley, in the low ebb of his fortunes, had married a young lady of considerable personal attractions, Isabel, daughter of the laird of Grant, who, left a widow in 1653, had an allowance of 1000 crowns for the maintenance of herself and children. At the restoration of Charles the Second, the young heir of the House of Gordon was reinstated in possession of his honor and estate; but for several years continued in the military service of France,—in 1674, under the great Turenne; and the year following, after a campaign in Flanders with the forces of the prince of Orange, he came to London, and negotiated an alliance with the lady Elizabeth Howard, to whom he was married in October, 1676; and being prevented by his religion from entering the service of his king, he retired, to enjoy domestic happiness on his estate. In the last year of Charles the Second, when the catholics were in the ascendancy, the services of his family were remembered, and he was created duke of Gordon. By James the Second, he was appointed Governor of the Castle of Edinburgh, which, for three months, he held against the prince of Orange, until reduced by starvation and disease. It is said, that when summoned to surrender by the heralds in the usual form, he told them "Not to call men traitors with the king's coat upon their backs, but to *turn them first*." Valiant in his defence, the duke was less fortunate in his surrender, though he marched out with the honors of war; for, we are told that "he tendered his submission to king William, at London, and retired to king James, at St. Germain's;" by which act he had the misfortune to be treated with suspicion by the dethroned king, and as a disaffected person by the reigning monarch, —oftener a prisoner than at liberty; and leading a very uneasy life at all times. In the rising of 1715, the duke, therefore, declared himself neutral; but his son and heir, Alexander, marquess of Huntley, with 3000 clansmen, appeared in arms at Sheriff Muir. The duke died the following year; and the "old duchess of Gordon," who lived to behold six sovereigns on the English throne, survived till the year 1732.

little social difficulty that more recently had occurred, if it did not immediately influence the departure of the duke, had not induced him to remain; and the news had preceded him to England as the gossip of the day. Letters from Flanders,\* notes Luttrell, write of a duel fought between the duke of Norfolk and the Seneschal of Mons,† the prince of Ligny's brother,‡ in which, 'tis said, the latter was mortally wounded: the difference arose upon some abusive words the Seneschal had spoken against the duchess of Norfolk.§ The duke, it seems probable, unmindful of the proverb, that "the churning of milk bringeth forth butter, and the wringing of the nose bringeth forth blood,"|| had resented the insult on the spot, and left the young Seneschal to expunge the personal stain upon his military bearing as he might. The meeting, however, had been less sanguinary than the news reported. Other letters relate that the proposed combatants meeting with obstacles from the authorities of Brussels, left that city with the intention

\* January, 168½.

† Hainault. Letter of news, from Brussels, January 6.—*Gaz.*, No. 1684. Mons was the metropolitan city of the earldom.

‡ Claude Lamoral, prince de Ligne, Seneschal and Marshal of Hainault, Chevalier of the Order of the Golden Fleece, General of Cavalry in the Netherlands, and Governor of the duchy of Milan, was sent Ambassador Extraordinary to England, to represent the Court of Spain, at the coronation of Charles the Second. He died at Madrid, December 21st, 1679; and was succeeded by his eldest son, Henry Louis Ernest, prince de Ligne. A younger brother, Charles Joseph-Procope, prince of the Holy Empire, Seneschal of Hainault, appears to have been the hot-brained young nobleman referred to in the text. He had been Captain of the Guard, in the duchy of Milan; and in after years was sent Ambassador Extraordinary from the king of Portugal to the Court of Vienna. There, having lost at play, 100,000 livres, to the Count de Halweil, grand Chamberlain of the emperor, he cancelled his debt of honor by assassinating the unfortunate winner; and, taking a sudden departure for Venice, ended his days in Italy.—*Dict. de la Noblesse*.

The prince de Ligne, descendant of the ambassador to Charles the Second, represented the Court of Brussels at the coronation of her present majesty, queen Victoria.

§ Diary, v. i., p. 156.

|| Prov., c. xxx., v. 33.

to fight in the kingdom of Liege, and meeting at Maestricht, they went out and were ready to engage, when the Governor, apprized of their murderous intent, secured their persons and brought them into the town; but freeing themselves from the guard set over them, they hastened to Liege to determine the matter there; and were already met at the place appointed, when they were a second time interrupted by the interference of the magistrates, and their persons again secured.\* Whether or not, these difficulties suggested an accommodation by the mediation of friends, intelligence from Brussels, of the 23rd January, reports, that "the duke of Norfolk came thither this evening from Liege, the difference between him and the Seneschal of Hainaut being fairly composed."† The very next news-letter from the same place, however, bears evidence of the rankling feud. "We are told," says the writer, "that the quarrel between the duke of Norfolk and the Seneschal of Haynault is renewed, his Grace having received a challenge from the Seneschal, at Bruges, as he was going for England."‡ Notwithstanding that, like the slanderers of the virtuous Hero, he had "committed false report; moreover, had belied a lady, and verified unjust things,"§ the reproof he received, blotting the honor-point of his escutcheon, must needs be accommodated with the satisfaction of arms; and he followed the duke to England "to fight him on the old quarrel;" but the time was inauspicious for bloody discord; the affair of the lady Ogle, and the fearful tragedy of her husband, Mr. Thynne,|| while it had alarmed the town,

\* Letter from the Hague, January 27.—*Gazette*, No. 1689.

† *Gazette*, No. 1690.

‡ Letter from Brussels, February 3.—*Gazette*, No. 1691.

§ *Much Ado about Nothing*, a. v., s. i.

|| Elizabeth, lady Ogle, a young widow, not far advanced in her teens, sole heiress of the noble House of Percy, daughter of Joseline, earl of Northumberland, by the contrivance of her grandmother, the dowager countess (Elizabeth Howard, daughter of Theophilus, earl of Suffolk,) had been secretly married a few months before to a wealthy commoner, nobly con-

had equally awakened the vigilance of the Court; and his majesty, writes Luttrell, having notice of the Seneschal's intention, ordered him into the custody of a serjeant-at-arms, and placed a guard over the person of the duke.\*

In the duke's absence, great changes had come over the fashionable western suburb of the town where Mr. Oates had laid the scene of his grand consult of Jesuits a few years before. The ancient parish church of St. Clement's Danes, wherein his celebrated ancestor, Thomas earl of Arundel, had often sat at sermon time; and where the remains of the heiress of the Fitzalans had been with so much ceremony entombed,† had given place to a recent structure. Arundel House, that in by-gone days had frowned heavily on the sacred edifice, had been removed; but Norfolk palace had not arisen in its place; and the ducal state, now more humbly lodged, was under royal guard at a new residence, in Arundel Street. On the 4th March, the Court removed to Newmarket, and on the 19th, there was

nected, Thomas Thynne, of Longleat, esq.; while her youth, beauty, and fortune had more favorably attracted the regard of a foreign noble, the count Konigsmark. It is said the count had twice challenged Mr. Thynne to a passage of arms; but the latter, so far from regarding the punctilio of gentlemen, had employed persons to take the vengeance of his adversary that afterwards befell himself. The assassination of Mr. Thynne occurred on Sunday night, the 12th February, 168½, and the manner of its accomplishment is depicted in bold relief on the well-known monument to his memory in the Abbey Church of St. Peter, Westminster; while a cupid in tears at the feet of the full-dressed recumbent effigy of the murdered gallant, is symbolical of the latent motive for the bloody deed.

\* April 22nd, 1682.—*Diary*, v. i., p. 180.

† In 1641, December 24th, there was an order of the House, "That the right honorable the earl of Arundel, Earl Marshal of England, shall quietly enjoy his seat and pew in the parish church of St. Clement's Danes, formerly appointed unto him by the Ordinary.—*Lords' Journals*, v. iv., p. 490. Mary Fitzalan, first wife of Thomas duke of Norfolk, died at Arundel House in 1557, at the early age of 17 years; and was buried, with much pomp, in the church of St. Clement's Danes, on the 1st September. In his will, (1641) Thomas earl of Arundel gave directions, that "if his grandmother of Norfolk's body could be found, he desired it might be carried to Arundel, and there have some monument."—*Harl. MS.* 6272.

a banquet, with great rejoicing, and a large attendance of nobility and gentry of the county, to greet the duke of York on his way from Yarmouth to join the sports of the king. Whether or not, the duke of Norfolk was of the number, it is not probable his liberty was long under restraint; and the Seneschal, obtaining his enlargement, the duke's son afforded him the contentment his father, by his majesty's interdiction, had been unable to give.\* Bloodless ended the fray; and the duke, relieved from the personal embarrassment, was at ease to receive the gratulation of his friends. The Royal Society rejoiced in the intelligence of his safe return to his native land; and Evelyn paid his respects—to the Arundel collection that enjoyed his patronage and regrets. Since accompanying my lord duke to Court, and taking his leave at Weybridge,† the removal of the Arundelian Library, by his procurement, from Arundel House, to the apartments of the Royal Society, had been the last record of his homage to the noble family he professed so much to honor.‡ Yet the store of valuable rarities had not been exhausted: the “priests, painters, and panders,” had yet left a collection unique and admirable

\* On the 26th May, writes Luttrell, a duel was fought between the Seneschal of Hainault and the earl of Arundel, upon a former quarrel between the Seneschal and the duke of Norfolk in Flanders. The encounter was earnest, and carried on with much violence, to the imminent peril of the volunteer substitute; for “the earl, in making a thrust, broke his sword; and it was only by his seconds having the better of those of his adversary, that he came off unhurt.”—*Diary*, v. i., p. 181.

† August 27, 1678.—*Diary*, v. ii., p. 120.

‡ Ante, p. 142. Besides printed books, adds Evelyn, I procured for our Society, near one hundred MSS; some in Greek, of great concernment. The printed books being of the oldest impressions, are not the less valuable: I esteem them almost equal to the MSS. Amongst them are the Fathers, printed at Basil, before the Jesuits abused them with their expurgatory Indexes: there is a noble MS. of Vitruvius. Many of these books had been presented by Popes, Cardinals, and great persons, to the earls of Arundel and dukes of Norfolk; and the late magnificent earl of Arundel bought a noble library in Germany which is in this collection.—*Diary*, v. ii., p. 122.

for future discord,—and another generation to disperse;\* although the friend of the family did step in to anticipate the future. “March 9th, 1683,” writes Evelyn, “I dined, at Sir Gabriel Sylvius’s,”† “and thence to visit the duke of Norfolk, to ask whether he would part with any of his cartoons, and other drawings of Raphael and the great Masters: he told me if he might sell them all together, he would; but that the late Sir Peter Lely (our famous painter,) had gotten some of his best.”‡ *Pars minima sui!* The “Great Howard, moulded in marble,”—panegyrised in verse heroic§,—asked to *sell!* But ambition had had its day, and been numbered among the vanities; a great name was no longer to be acquired by a great sacrifice, or nourished

\* From Arundel House, the collection was removed to Tart Hall, a noble mansion, built by Alatheia, countess of Arundel, for her second son, William viscount Stafford, situated without the gate of St. James’s park, near to Buckingham house. “During the madness of the popish plot,” observes Pennant, “the statues were buried: the mob would have mistaken them for popish saints.” At Tart Hall, the dispersion of the collection, by auction, took place, in the year 1720; and the house itself, says Walpole, has lately been demolished.—*Anecdotes of Painting*, v. ii., p. 131. A curious inventory of the household stuff at Tart Hall, in the year 1641, is in the *Harl. MS.*, No. 6272.

† Sir Gabriel Sylvius married Anne Howard, one of the queen’s maids of honor, grand-daughter of the earl of Berkshire. “I was all this week,” writes Evelyn, (Nov. 11th, 1678,) “composing matters between old Mrs. Howard and Sir Gabriel Sylvius, upon his long and earnest addresses to Mrs. Anne, her second daughter. My friend, Mrs. Godolphin, who exceedingly loved the young lady, was most industrious in it, out of pity to the languishing knight, so as, though there was great difference in their years, it was at last effected.”—*Diary*, v. ii., p. 107.

‡ *Diary*, v. ii., p. 175. From *Mæcenas* to a *brogger!* The descent required some elevating apology; and “The person who desired me to treat for them,” adds the diarist, “was Vander Douse, grandson to that great scholar, contemporary and friend of Joseph Scaliger.” Walpole mentions the purchase, by Sir Peter Lely, of many pictures and drawings of Vandyk’s, and of the earl of Arundel’s collection. Lely had been dead about three years, “taken with an apoplexy, as he was drawing the duchess of Somerset.” His collection, which occupied forty days sale by auction, realized £26,000.—*Anecdotes of Painting*, v. iv., p. 33.

§ *Ante*, p. 141.

by a flattering tongue; the pride of youth had become mellowed to rottenness; and like many a generous and noble spirit, the duke, perhaps, in his latter days:—

For a good old gentlemanly vice,  
Balanced his account with avarice.

His frailty—not of aggrandizement or of thrift—had taken a wider range: in the power of his pride, he had not remembered that “An inheritance may be gotten hastily; but the end thereof shall not be blessed.”\* It ended in family strife, and personal indecision. He made his will in the hour of deliberate judgment; and he unmade it when the flickering light of life was glimmering in the socket. He wished that “something” might be given to the poor; but he left it for the generosity of another to determine the amount. He had forgotten the injunction: “Remove not the ancient landmark which thy fathers have set;”† and with the domestic foes that he raised around him, whose bitterness he left as the heritage of those he loved,—like another ambitious spirit, he might well have exclaimed:—

Let me not die raging,  
For all my life hath been a phrenzy!

The duke departed this life, writes Dugdale,‡ at his house in Arundel Street, near the Strand, in the suburbs of London, on the 11th January, in the “great frost year,” 168 $\frac{3}{4}$ , in the 56th year of his age. By the direction of his will, his body was disposed with his ancestors, at Arundel; but his heart, encased in an urn of porphyry, was sent to Bruges, as the spot probably, where he had passed the greatest happiness on earth. It was placed in a niche in the conventual church of Princenhoff; and another urn, containing the heart of an infant son, recently deceased, was placed beside it, “never to be removed or taken down unless war or fire made the lady Abbess consider it neces-

\* Prov., xx., 21.

† Prov., xxii., 28.

‡ Baronage, MS. additions.

sary for their preservation." The community had been under great obligation to the duke, and his favorite retreat, adjacent to the ancient palace, became the residence of the conventual chaplain. After a century of repose amid the charitable prayers and requiems of devoted sanctity; when

France got drunk with blood to vomit crime,

—desolation, in the bitterest form of war, ravaged the quiet scene. "In the middle of June, 1794," writes the lady principal of more recent date, "our community being obliged to leave Princenhoff at break of day, there was no time to remove those precious deposits: all fell into the hands of the French republican commissioners: the porphyry urns were disposed of for the benefit of the ruling power; and the contents lost, to our great regret: the church and monastery were sold, and pulled down; and the small residence adjoining, built by the duke of Norfolk, was turned into a public house."\*

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\* Letter of Mrs. Berington.—*Tiernay, Hist. Arundel*, p. 541.

## CHAPTER IV.

If thou canst look into the seeds of time,  
And say, which grain will grow, and which will not;  
Speak! —

Thy children shall be kings, though thou be none.

## THOMAS, OF WORKSOP.

WE left the sons of Mr. Henry Howard under the charge of a tutor proceeding to Paris, as the seat of polite learning and accomplishments; whence, after a residence of about three years, they returned, and Evelyn saluted them at Arundel House on the 8th May, 1667.\* Transferred to the care of Dr. Yerbury, Fellow of Magdalene College, they were then sent to Oxford, and entered students of that University;† but high birth was no exemption from the mark of abomination; and being Roman catholics, says Wood, they did not wear gowns.‡ A royal road to honor, however, opened wide its portals, and the degree of M.A. was conferred on them; the elder, the following year, on the occasion of his father's honorary investiture, June 5, 1668; and Thomas, actually created, writes Wood, the 16th June, 1678, having been absent on the former occasion.§ At Oxford, they met their former playmate, who, newly out of *long coats*, had preceded them to the University, and was then a student of Trinity College.|| For how long a period

\* Diary, v. ii., p. 23.

† Wood, Fasti, v. ii. p. 172.

‡ Ibid, p. 303.

§ Ibid.

|| 1667, 29th January, writes Evelyn, To London, in order to my son's Oxford journey, who being very early entered both in Latin and Greek, and prompt to learn beyond most of his age, I was persuaded to trust him un-

the Howards continued their residence does not appear by any record; Evelyn, with the University Doctorship in full prospect, paid his respects to them, in July, 1669.\* The appointment of Dr. Yerbury to the charge of the insane duke at Padua, a year or two afterwards, and the consequent termination of his tutorship of the nephews, probably marks the period of their studies at the University, which could have had no other object than the acquisition of knowledge in the degree limited by their profession of faith. Honors, if they had not taken them, *per saltum*, at the commencement of residence, were no otherwise open to them. The good and evil of association, however, still remained, and the reverse of the proverb was probably beneficial to enlightened views. Such, however, is the perversity of the human mind, and the influence of surrounding circumstances, that, as under an English sky, the elder brother became convinced of the truths of the protestant creed; the younger, breathing the air of Rome, became more rigidly attached to the popish doctrine; and in the end, they became diametrically opposed in politics and religion.

Pursuing, in the first instance, the fortunes of the younger son, Thomas, who, in after years, became described "of Worksop," on completing his education, he adopted the profession of arms, or received from his majesty a commission that gave him a military designation,—perhaps in the king's Life-Guard, which the Commons in parliament de-

der the tutorage of Mr. Bohun, Fellow of New College, who had been his preceptor in my house some years before; but, at Oxford, under the inspection of Dr. Bathurst, President of Trinity College, where I placed him, not as yet thirteen years old. He was newly out of *long coats*.—*Diary*, v. ii., p. 21. At the Swan, at Leatherhead, adds Evelyn's editor, is a picture of four children (*circa* 1640–50); one of them, a boy about the age of young Evelyn, in a coat or vest reaching almost to the ancles.

\* July 14th. Dr. Fell, dean of Christchurch and Vice-Chancellor, with Dr. Allestree, professor, with beadles, and maces before them, came to visit me, at my lodgings. I went to visit lord Howard's sons, at Magdalen College.—*Ibid.*, v. ii., p. 42. Evelyn received his *marmorean* honor the following day.

clared to be "a place of refuge and retreat for papists and men popishly inclined."\* The determined opposition of the House; and the religious test that was instituted with the view of *weeding* the objectionable members of an objectionable force, perhaps led to the retirement of Mr. Howard; if the prosecution for recusancy, about the same time directed against his family and himself, had not anticipated the like result.† Nevertheless, Mr. Thomas Howard continued to be described by his military rank, and in 1675, when about twenty years of age, was stiled by his father the "lief-tenant." Addressing his foreign agent, Mr. Hay, "the liefetenant," writes the earl of Norwich, "shall ever be ready, and stay or goe, as his uncle desires."‡

Some doubt has been entertained whether this title, applied to the son of an earl, might not have had reference to the appointment of lieutenant in the acknowledged legitimate guardians of the person of the king,—the honorable corps of Yeomen of the Guard; a post not only of distinction, but of value. A trust, however, of so much importance as it then implied, was not formerly within the grasp of such early manhood, even of noble blood; and if Dr. Chamberlayne be correct, it was Col. Thomas Howard, brother of Charles, earl of Carlisle, who, at the period in question, held that honorable post at Court.§

\* Resolution of the House, 7th February, 167 $\frac{1}{2}$ . Among other reasons for disbanding the Horse and Foot-Guards, commonly called the king's Life-Guards, it was alleged: "That according to the laws of the land, the king hath no guards but those called *Gentlemen Pensioners* and *Yeomen of the Guard*. That this Life-Guard is a standing army in disguise; and as long as it continue, the *roots* of a standing army will remain amongst us; therefore it is impossible effectually to deliver this nation from a standing army, *till these guards be pulled up by the roots*."—*Echard*, v. iii., p. 352.

† *Lords' Journals*, v. xii., pp. 620, 635. Ante, p. 164.

‡ Orig. at Norf. House.—*Tiernay, Hist. Arundel*.

§ *Anglia Notitia*, 1674. Col. Thomas Howard is the same gallant gentleman referred to in a former page (34, n.). In this year (1675), he had an honorable adjustment of differences with the lord Cavendish, in St. James's park; for which himself and his antagonist were committed to the

It was in the year mentioned, 1675, that Mr. Philip Howard, the queen's Almoner, under the circumstances before related,\* had been elevated to a Cardinalate, much to the satisfaction of the English Court, and to the much greater excitation of his noble family. Display was a great object, where splendour and parade form so important a feature of spiritual rank. "I have also thought," wrote the earl of Norwich to his Eminence, "as soon or at what time you please, to add to your train your nephew Tom, where ere you goe, and to allow him, at my cost, to keep a *camareiro*,† a coach and two horses, and two footmen, and all in your livery, and to pass as if at your cost, though I pay underhand for it."‡ The lieutenant, with his equipage, attended his uncle as part of the magnificent retinue that accompanied his Eminence in his public entry into Rome;‡ and until the accession of his father, two years later, to the dukedom of Norfolk, probably changed his views and brought him to England, he continued in attendance on his noble relative at the papal Court. In 1678, he was in England, and on the 16th June, at Oxford, received investiture of the honorary degree that so long had awaited his presence to accept.§ Two months later, Evelyn met him at Weybridge,|| and was delighted with the candour and

Tower. As Capt. Howard, he was the hot-brained cavalier who, in 1662, at his sword's point, took satisfaction of the fluttering courtier, Henry Jermyn, "the lady killer," who intruded on his dalliance with the lady Shrewsbury, in the Spring Gardens, described by Grammont.—(*Mem. of the Court of Charles the Second.*) Further, the gallant Colonel adventured to become third husband of the celebrated Mary Villiers, widow of James Stuart, duke of Richmond and Lenox, and received from her the honor of sepulture in the vault of that noble family, in the Abbey of St. Peter, Westminster, in 1678. The commission of Lieutenant of the Yeomen of the Guard (worth £500 per annum), was afterwards held by Thomas Howard, esq., son of Sir Robert Howard, and grandson of the earl of Berkshire.—*Angl. Notitia.*

\* Ante, p. 166.

† Camarière, a valet.

‡ Orig. at Norf. House.—*Tiernay, Hist. Arundel.*

§ Dodd, Church History v. iii.

|| Ante, p. 177.

liberality of his sentiments; for, though strenuously attached to his religion, like his father "he was no bigoted papist. He told me," adds the diarist, "he never trusted them with any secrets, and used protestants only in all business of importance."\*

All this and more beside did he relate,  
Wondrous to hear! which in mine innocence,  
With humble credence in his honor's worth,  
I did perforce believe:

—but, believe me, credulous Evelyn, the lord Thomas Howard had not for several years taken the air of Rome in the train of a cardinal, to wear his heart upon his sleeve for daws to peck at.

In 1681, the lord Thomas Howard married the heiress of a Yorkshire baronet, Mary Elizabeth, daughter of Sir John Savile, of Copley, by which alliance the Roundhay and some other estates were acquired to the Howard family; and three years later, his brother becoming duke of Norfolk, himself acquired a local habitation and a name. The accession of James the Second gave him prominence at Court; and as lord of Worksop, in Nottinghamshire, at his majesty's coronation, he performed the service due from the possessor of that manor,—to find a right-hand glove for the king's hand, and to support his majesty's right arm whilst he held the sceptre. Firm in his allegiance to pope and king, the lord Thomas Howard more than fulfilled the obligation symbolized by his coronation service; and was much in the favor and confidence of his sovereign. In 1687, when the influence of the Romish church had completely gained ascendancy at Court, he received the appointment of Master of the Robes; the same year, on the resignation of the earl of Burlington, the lord lieutenancy of the West Riding of York was confided to his hands;†

\* Wood, *Fasti*, v. ii., p. 303. † *Diary*, v. ii., p. 120; *Ante*, p. 155, n. ‡

‡ Being a warm and zealous papist, says Sir John Reresby, the appointment was pursuant to the method the king had tenaciously observed with

and in the year following, at a most eventful and critical period, he was appointed to succeed the earl of Castlemaine in a mission to Rome;\* a service for which he was esteemed eminently calculated by his former residence in the Holy city, and the position of his uncle, much in favor at the papal Court. In May, 1688, Luttrell records: "The lord Thomas Howard is going his majesty's ambassador to Rome, to reconcile the matter of the franchises between the pope and the king of France."† On the 12th of June, almost on the eve of the revolution, he journeyed towards his official destination; but his mission appears to have been fruitless, as far as its ostensible object is concerned; and on November the 17th, Luttrell writes: "The lord Thomas Howard, our late ambassador at Rome, is returned thence, not succeeding in his embassy about the franchises."‡ The unfortunate reign of king James had now

regard to most of the lieutenancies that became vacant in England.—*Mem.*, p. 256.

\* The instructions to Castlemaine were: "To reconcile the three kingdoms of England, Ireland and Scotland to the Holy See." But pope Innocent, says Echard, received the embassy as one who saw further than those who sent it. The Court of Rome consisted of politicians too well acquainted with England to expect great advantages from such hasty and ill-timed advances as were made to them. *As to the supplies*, which Castlemaine had private orders to ask, his Holiness excused himself, on account of the vast sums he gave the emperor and the Venetians, to carry on the war against Turkish infidels.—*Hist. Engl.*, v. iii., pp. 809-10.

† Diary, v. i., p. 440. In the account of "*Payments for Secret Services*," for the quarter ending July 3, 1688, is a payment "To the lord Thomas Howard of Worsop, Envoy to the Court of Rome, namely, 500<sup>li</sup> for his equipage, and 455<sup>li</sup> for three months advance on his allowance of 5<sup>li</sup> per diem in that employment—£955 0 0."—*Privy Purse Expenses*, &c. *Camden Soc. Pub.*, No. 52. 4to., 1851.

‡ Diary, v. i., p. 478. In Rome, says Burnet, all those of a nation put themselves under the protection of their ambassador, and are, upon occasions of ceremony, his *cortège*. These are usually lodged in his neighbourhood, pretending that they belonged to him; so that they exempted themselves from the orders and justice of Rome, as part of the ambassador's family; and that extent of houses or streets in which they lodged was called *the franchises*; for in it they pretended they were not subject to the

nearly arrived at its close. Five weeks later, on the 23rd December, the king was so ill-advised as to abandon his throne and quit his native land, as though it had been more easy to re-conquer than to retain a kingdom,—to force the national will than to retain the national affection. The lord Thomas Howard, however, faithful in adversity, repaired to the king, in France. He afterwards returned to England, and thence proceeded to Ireland, on his majesty's service; his active loyalty and zeal still engaging him in the desperate struggle to recover a lost throne; but he lived not to witness the final overthrow of the hopeless cause in which he had engaged; for, intrusted with a secret mission,\* in making his passage to Brest, he lost his life by shipwreck on the coast of France, November 9th,† 1689, in the 34th year of his age. By deed, dated 3rd May, 1685, he had made a settlement of his manor of Worksop, to maintain the honor of his house; and by his will,‡

government of Rome. This made these houses to be filled, not only with those of that nation, but with such Romans as desired to be covered with that protection; and in process of time, the franchises had become a great part of the city, giving refuge to the discontented, and sanctuary to criminals; so that the pope resolved to reduce the privileges of ambassadors to their own families within their own palaces. The emperor and the king of Spain submitted conditionally, that the French king did the same; but the ambassador of France refused, saying, the pope was not to pretend to an equality with so great a king. On the other hand, Innocent asserted that he was sovereign in Rome. Determined on the assertion of his territorial authority, and threatened by the French king, the Cardinals asked him what he would do, if the king sent an army to fall upon him? Innocent at once replied, he could suffer martyrdom!—*Hist. Own Time*, v. iii., p. 160, 8vo. The professed object of king James was to accommodate the irreconcilable: "His zeal and affection," says Echard, "led him to adhere to Rome, but his success and security depended on France, now the great disturber and opposer of that Court."—*Hist. Engl.*, v. iii., p. 854.

\* The cause of king James had just previously received a check by the capture of a French vessel (carried into Falmouth), bound for Ireland, with ammunition, 4000 stand of arms, and a number of officers.—*Pointer, Chron. Hist.*

† Some of the authorities say, December 9th.

‡ In Cur. Prærog. Cantuar.

dated the 29th May, 1688, in anticipation of his embassy to Rome, he prepared for the contingencies he was about to encounter in foreign travel, and made provision for bringing up his young family. The estates which, by his marriage settlement he had the power to dispose of, in reversion, on the death of his wife and her mother, the lady Savile, he made over to his younger children, and directed a portion of £3000 to be raised for his daughter's share. To William Longueville, esq., of the Inner Temple,—trustee, with the lady Mary Howard, his wife, in the charge that might devolve on her by his loss,—he bequeathed £100 per annum, while he acted as executor. With this arrangement of his private concerns, the lord Thomas Howard devoted himself, as he conscientiously thought, to the service of his country; at any rate, to that of his king; and lost his life in the cause. His daughter, Mary, in 1698, married Walter Aston, afterwards fourth lord Aston, of Forfar;\* two of his sons, taking monastic vows, were promoted dignitaries of the church of Rome;† and of three others, Thomas and Edward successively became dukes of Norfolk;‡ and the heirs of Philip, “of Bukenham,” born the year of his father's death, were the last representatives of this line.

The lady Mary Howard survived her husband in a widowhood of forty-three years.‡

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\* Luttrell, *Diary*, v. iv., p. 435. He was son of William lord Aston, and his first wife, Eleanor, daughter of Sir Walter Blount, of Soddington, co. Worcester, baronet. William lord Aston was one of the popish lords implicated by his serving-man, Dugdale, in the “plot” of 1678; but happily escaped.—*Vide ante*, p. 102.

† See Pedigree, *ante*, p. 46.

‡ She died 10th December, 1732, and was buried at Arundel.—*Gent. Mag.*

## CHAPTER V.

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Wealth, honors, pride of place, and costly state;  
 The liv'ried homage of the peasant slave;  
 The smiles of beauty; and the radiant hopes  
 That cluster round the halcyon days of youth:—

The earth hath bubbles, as the water hath,  
 And these are of them.

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## THE DUCAL LINE, CONTINUED.

THE elder son of Mr. Henry Howard and the lady Anne Somerset, who bore his father's baptismal name, was born 11th January, 165 $\frac{3}{4}$ , and educated with his brother, as before narrated. At the age of eighteen, he had been honorary graduate of the University of Oxford upwards of three years, and was heir apparent of his father in the lordship of Castle Rising, and his expectancy in the dukedom of Norfolk, with other honors and wealth descendible therewith; when Evelyn, jotting down the small talk of his friends, shadows forth for him a matrimonial alliance.

On a fine autumn evening, the 17th October, 1671, my lord Howard of Castle Rising had been dining with my lord Chamberlain,\* at Rushbrooke; and returning to Nor-

\* Henry Jermyn, earl of St. Alban's. Henry lord Jermyn of St. Edmundsbury, so created by Charles the First, at Oxford, in 1643, was Colonel of the queen's Guard, and commanded the forces raised by her majesty to assist the royal cause. When all was lost in England, lord Jermyn retired to the queen in France, and took the management of her household: and at her majesty's instigation, was created earl of St. Alban's, at Breda, in 1660, just before the restoration. The manor of Rushbrooke, in Suffolk, had been for many generations the seat of the Jermyns, derived by marriage from a family that bore its name. The earl died, unmarried, in 1683.

wich that night, in his flying chariot with six horses, must needs have a companion for the journey. Evelyn, also a guest, "as he could not refuse the invitation, was not hard to be persuaded thereto."\* "Thither then," says the chronicler, "went my lord and I:" the one, communicative in the extreme of vinous friendship; the other, all sensitive to the slightest impress of lordly confidences that greeted his eager ear. It was the same occasion on which my lord unravelled his most secret mysteries, and (by report) laid open his heart in promises that he in no respect performed.† Lord Howard had just previously entertained the king and the whole Court, at his palace at Norwich;‡ the preparations had been magnificent, and the fittings or "contrivances" were yet extant to be gazed at, admired, and silently criticised, by the complaisant companion on the morrow.§ My lord was proud of his display on the occasion of the royal visit; and, facetious in the hilarity of wine, amused his companion with certain professed designs on the Court, and some other confidences that probably had their only foundation in the fumes of the bottle. Indeed, analysis of the circumstances narrated leads to the only conclusion, that my lord had amused himself with the passing fancy of feeding a *gobemouche* with one of Aiken Drum's *lang ladders*.

Among other matters of news that Evelyn at this time entered on his Journal, "My lord Howard acquainted me," he writes, "of his going to marry his eldest son to one of the king's natural daughters by the duchess of Cleveland, by which he reckoned he should come to mighty honour!"||

At this time the lady Castlemaine, "in respect of her personal merits," had been advanced to her new title about

\* "Having a desire to see that famous scholar and physician, Dr. Thomas Browne, author of the 'Religio Medici,' and 'Vulgar Errors,'—now lately knighted."—*Diary*.

† Ante, pp. 137, 139.

§ Evelyn, *Diary*, v. ii., p. 65.

‡ Ante, p. 154.

|| Ibid.

fourteen months,\* and for about the same period of time, had ceased to be the reigning favorite at court: her elevation to high honors indeed, marks the period of the decline of her power: she had already "made herself even with the king" in his divided attentions, by more than one *liaison*, that royalty—"not easily jealous,"—could yet in no wise entertain;† and the scandal of her retaliation had produced, if not a total disregard, at least an indifference, and a separation of intimacy, that was never afterwards renewed; and although the fascinating and imperious duchess continued to grace the Court with her presence, she had her "faction" and particular interests, as well as her rivals, apart from the politics of the Court.‡ It was not, however, the enchantment of her personal attractions, if they had been the means of her elevation to Court favor, that alone gave her title to a position of rank: she was honorably descended§ and nobly connected—doubly so with the

\* The lady Castlemaine was created baroness of Nonsuch, in the county of Surrey, countess of Southampton, and duchess of Cleveland, by patent, dated August 3rd, 1670.

† Pepys, *Diary*, v. iv., pp. 145, 415. The lady Barbara, daughter of the duchess, born at Cleveland House, July 16th, 1672, was not acknowledged by the king.

‡ Pepys, *Diary*, v. iv., p. 436; v. v., p. 290; Ante, p. 106.

§ The lady Barbara Villiers was only child of William viscount Grandison, son of Sir Edward Villiers, President of Munster, half brother of George, first duke of Buckingham. The viscount Grandison, "than whom," says Clarendon, "the Court or Camp could not shew a more faultless person," with his three brothers, all distinguished themselves by their military services for the king in the great rebellion; and the viscount, being mortally wounded at the siege of Bristol, died at Oxford, in August, 1643, in the 29th year of his age. The lady Barbara was then an infant; and her mother had married a third husband before she arrived at womanhood. Amid the frailties and follies of her after years, let it be remembered, as one of the "personal virtues" that Collins attributed to her (*Peerage*), and a more recent genealogian (*Banks*) found it "difficult to accredit," that one of the earliest acts of her power was to erect a noble monument over the ashes of her honorable and valiant parent, in the cathedral of Christchurch, Oxford.

Howards; for her valiant uncle, Sir Edward Villiers,\* married the lady Frances Howard, sister of James, earl of Suffolk; and her aunt, the lady Barbara Villiers, became second wife of the same earl, and was the mother of one of his coheireses.† There was also another family connection that brought the duchess of Cleveland within the familiar knowledge of the lord Howard;—her maternal aunt, the lady Cicely Bayning, had married the loyal Henry Pierrepont, marquess of Dorchester, son of a Talbot, and intimately associated with the affairs of the Arundel Howards.‡ A friendship, therefore, with the Court favorite, may be readily assumed as the natural consequence of family alliances, without the suspicion of seeking Court favor by indirect means; the more especially, when the long and personal intimacy of the lord Howard with the king and the duke of York, for any personal views that were open to his ambition, could scarcely have rendered the proposed marriage an essential expedient. Thus, while it is not improbable that the fascinating duchess, yet in the pride of her womanhood, may have been the theme of lively conversation with the travellers; and my lord may have indulged in the reveries of an exhilarated fancy; it is obvious that the confidential communication related by Evelyn, was one of those after-dinner conversations that will not illustrate the adage, *in vino veritas*: no dependance in truth can be placed on the statement, as a serious proposition; and of the daughters of this interesting lady, to whom only reference could have been made, the eldest,

\* He was a Lieut.-Colonel in the king's army; wounded at Newbury, in 1643. After the restoration, he was appointed Marshal of the Household; and the lady Frances, his wife, became governess of the princesses, Mary and Anne, afterwards queens of England.

† The lady Elizabeth Howard, who married Sir Thomas Felton, of Playford. The other co-heiress, child of the earl's first marriage, was the lady Essex Howard, who married Edward lord Griffin, of Braybrooke.

‡ Ante, pp. 57, 63, 115, 172, 191.

Anne Palmer,\* at this time, was only ten years old; and the younger, Charlotte Fitzroy,† a child seven years of age. The young ladies in question were destined to carry additional honors to other courtiers of less pretence; while the lord Howard (who had the highest honors the king could confer, in possession and prospect), appears to have desired for his son more solid garniture. A marriage, having far different views of aggrandizement, had been some time on the *tapis*; and the young noble had not long attained his majority, when his noble parent himself almost despairingly explained the nature of his ambitious views. In June, 1675, the earl of Norwich, writing to his brother, the Cardinal of Norfolk, says: "Your nephew Harry's marriage hangs strangely; and the event, I doubt, uncertaine; since that after I had agreed to all and every minute particular of my part, as they asked, I find scarce any advance or step towards raising the £20,000, which is the *sine qua non*."‡ This absolute condition (which certainly could have had no reference to Evelyn's suggested alliance) was perhaps the pivot on which turned, not only his matrimonial connection, but the shade of his religious faith; for the earl adds: "I hope, however, it may at last come on, els I see he will have a great desire to follow his brother into Italy; when I conclude your Eminence will cause him to attend and follow you."§ The fair subject of this anxious negotiation was the lady Mary Mordaunt, only

\* Anne Palmer, the king's "adopted" daughter, born 29th February, 1661, before the separation of the lady Castlemaine from her husband, was married, in August, 1674, to her cousin, Thomas, second lord Daere (created earl of Sussex), son of Francis, lord Daere, and the lady Elizabeth Bayning, aunt of the duchess of Cleveland.

† Charlotte Fitzroy, born 5th September, 1664, was married, 20th February, 1676, to Sir Edward Henry Lee, of Ditchley, co. Oxford, baronet; created baron Spelsbury, in the same county, viscount Quarendon, co. Bucks, and earl of Lichfield.

‡ MS. at Arundel House.—*Tiernay, Hist. Arundel*.

§ *Ibid.*

daughter and heiress of Henry, earl of Peterborough, a family already connected with the Howards.\*

Henry earl of Peterborough, was a nobleman whose zealous loyalty in troublous times had been rewarded with Court favor; and from the time that he successfully negotiated the marriage of the duke of York at the Court of Modena, and brought the young princess away with him to England,† he had attached himself to the fortunes of the heir presumptive to the throne. The earl held the appointment of Groom of the Stole to the duke of York;‡ and his countess held the same office to the duchess.§ The lady Mary Mordaunt, their daughter, of a lively wit and agreeable manners, had all the advantages to be acquired from associating with the best society; and about the time when the treaty of marriage was hanging in the balance, and of doubtful issue, in the opinion of its most solicitous negotiator, we obtain a lively view of the young lady displaying her attractions and talents to an admiring throng, as an active participator in the revels at Court.

“December 16, 1674, at night,” writes Evelyn, “I saw a comedy at Court, acted by the ladies only, amongst them the ladies Mary and Ann, his royal highnesses two daughters;|| and my dear friend, Mrs. Blagg, who, having the

\* Vide ante, p. 110.

† Ante, p. 169.

‡ The appointment, under the duke, was worth £400 per annum. When the duke came to the throne, the earl held the same office, with a fee of £1000 a year.—*Chamberlayne*. At the coronation, the earl carried the sceptre with the cross; and, together with his son-in-law, the duke of Norfolk, and the earl of Rochester, was installed Knight of the Garter, with a magnificence of display that was made the subject of a published work.—*Fol.* 1685.

§ The first appointment of the countess of Peterborough, was lady of the Bedchamber, at £200 per annum; afterwards, as Groom of the Stole, the salary was £400 a year.—*Chamberlayne*. After the accession of the duke to the throne, the countess held two offices under her majesty: as Groom of the Stole, she received £800 per annum; and as lady of the Robes, £400 more.—*Ibid.*

|| Daughters of the duke of York by his first wife, Anne Hyde; afterwards queens of England.

principal part, performed it to admiration. They were all covered with jewels."\*

The play was *Calisto, or the Chaste Nymph*,† and the cast of the characters was thus disposed:—

\* Diary, v. ii., p. 94. The pastoral was repeated on the 22nd, on which occasion, writes Evelyn, Mrs. Blagg had about her near £20,000 worth of jewels, of which, she lost one worth £80, borrowed of the countess of Suffolk. The press was so great that it is a wonder she lost no more. The duke [of York?] made it good.—*Ib.*

† A Masque, by John Crowne, gent., 4to., 1675. Dedicated to H. R. H. the lady Mary, eldest daughter of H. R. H. the Duke. The music by Mr. Staggin. The piece was written by command, to be performed at Court before their majesties; in which none but persons of the most illustrious quality were to be actors. The characters to be represented by seven ladies, two only to appear in male attire. It became very attractive, and was rehearsed and acted at Court twenty or thirty times.—*Preface.*

If these facts had not been known, Mr. Crowne's drama might have been taken for a satire on the Court; and Charles the Second must have been the most impassible of kings to have sat out the performance. A sensitive monarch, like Claudius, of Denmark, would have called for—"lights,—and away!"—when *Jupiter*, discovering *Calisto* asleep on a bank of flowers, exclaims:—

Now Juno, thy disgrace with patience bear,  
And to disturb my pleasure do not dare.  
Thou might'st contend in beauty with the rest,  
But this shakes all thy int'rest in my breast.  
Keep in thy heaven; and do not cast an eye;—  
There gnaw thyself with rage and jealousy.

Thou art already half undone;  
Be glad thou dost enjoy my throne:  
For plague me now, I'll chase thee from my bed,  
And place thy crown upon thy rival's head.

Nor had the wrongs of the queen an exponent less impressive, when *Juno*, in the third act, seeks her wandering spouse:—

Down from the heavenly rooms and airy throne  
Where I've been left so long a time alone,  
As fast as jealousy my step could bear,  
I come to seek my wandering Jupiter.

I am assured he does not wait  
On any politic affairs of state:  
He stays not to employ his public mind  
And fix the general business of mankind.

No, I have too much cause to fear,  
Affairs less good and virtuous keep him here.  
My blood grows hot! And must I then be used  
For ever thus! For ever thus abused!  
Must every trifling nymph that looks but fair,  
Entice from my embrace my Jupiter!

Calisto (*the chaste nymph, favorite of Diana, beloved by Jupiter*)—Her royal highness, the lady Mary.\*

Nyphe (*a chaste young nymph, friend to Calisto*)—Her royal highness, the lady Anne.†

Jupiter (*in love with Calisto*)—The lady Henrietta Wentworth.‡

Psecas (*an envious nymph, enemy to Calisto, beloved by Mercury*)—The lady Mary Mordaunt.

Juno—The countess of Sussex.§

Diana (*Goddess of Chastity*)—Mrs. Blagge.||

Mercury (*in love with Psecas*)—Mrs. Jennings.¶

\* Her royal highness was in the 13th year of her age.

† A character not without some vivacity of action. The young princess did not number quite eleven years.

‡ Daughter of Thomas, lord Wentworth, of Nettlested, son and heir of Thomas earl of Cleveland; but died before his father. Henrietta lady Wentworth (baroness in her own right), is principally known for her illicit connection with the duke of Monmouth, who resided with her at Toddington. On the scaffold, the duke spoke in vindication of his "Henriette, a young lady of virtue and honor, whom he loved to the last." To the divines, with whom he conferred, he admitted that he had lived with her as his wife. With that confession, the attachment of a man who had abandoned his duchess, and a mistress, with several children by each, loses some of its romance: yet lord Macaulay is willing to believe that the duke, like the melancholy *Jaques*, wandered about the park at Toddington, carving the name of his third beloved upon the trees!—*Hist.*, v. i., p. 624. The lady Wentworth survived the duke only a few months, dying, it is said, heart-broken, at the untimely end of "him she loved too well." In the drama of *Calisto*, the duke of Monmouth was "one of the men who danced."

§ The lady Anne Fitzroy, daughter of the king and the duchess of Cleveland, wife of the lord Daere, created earl of Sussex a few months previously. The countess was not quite fourteen years of age.

|| Late Maid of Honor to the queen. Margaret, youngest daughter of Col. Thomas Blagge. She married Sydney Godolphin, afterwards raised to the peerage, and was mother of the second earl Godolphin; but she died before the flow of her husband's good fortune, in the year 1678, at the age of 26. A memoir of this excellent lady, from the pen of Evelyn, has been edited by the bishop of Oxford.

Among the nymphs attending on Diana, was a younger sister of the duchess of Portsmouth, Henrietta de Querouaille, countess of Pembroke.

¶ Sarah Jennings, Maid of Honor to the duchess of York, who married John Churchill, and became the celebrated duchess of Marlborough.

Evelyn was not an admirer of histrionic presentations: it was only *at Court* that he could at all countenance them:\* and dazzled by the magnificence of his friend, the chaste goddess, blazing in jewels, his partiality may therefore be excused for mistaking the cynosure of mythological divinity to have been the "principal part" in the *personæ* of the drama. The author, by giving the name to his play, paid *Calisto* that compliment; though little *Nyphe*, in a quarrel with the wandering nymph, has perhaps more vivacity: but the envious and wayward *Psecas* is the life of the piece; and required some natural talent and *esprit* to give the character dramatic effect.

Jealous of the praises *Diana* bestows on *Calisto*, her favorite nymph, *Psecas* exclaims:—

(*Aside*) Our poor deluded goddess is undone,  
This favorite has her heart and empire won :

and, referring to *Calisto* :—

Oh! how for praise she spreads a spacious net—  
Not one regard to us can passage get.  
Our virtues will not go for virtues long,  
I neither will nor ought to bear this wrong :

*Diana* compliments *Nyphe*; who responds; and *Psecas* comments:—

(*Aside*) Hark! how they bandy praise and flattery round!  
Each takes her turn to catch it at rebound,  
Whilst we, desertless fools, must patience feign,  
And praise ourselves, if any praise we'd gain.  
Our youth, I find, we wisely waste,  
And are to mighty purpose chaste:  
Since these our kind rewards must prove,  
I will, in pure revenge, go love!  
A god-like youth, and vassal to my eyes  
Has long with patience borne my tyrannies:  
The humble slave each moment I torment,  
And rage, which others slight, on him I vent;  
But now his suff'rings I'll requite,  
I'll go and love him out of spite.

\* A grand masque, with a magnificent banquet, at Lincoln's-Inn, was "a solemn foolery."—*Diary*, v. i., p. 359.

*Diana* dismisses her nymphs to hunt "the nimble Dear :"—

Let's hunt the nimble Dear without delay :  
We have decreed the martyrs of the day ;  
And what you all shall kill together bring,  
And meet, when sun declines, at yonder spring. [Exeunt.]

*Psecas.* No, I'll about another care,  
I'll seek my love, discover me who dare.  
On the whole train the shame shall fall ;  
I'll swear we are dissemblers all :  
From men we only seem to fly,  
To meet them with more privacy.  
That I sincerity approve,  
And boldly own to all the world I love.

In the third Act, *Psecas* is hunting for her dear :—

Where is this love of mine a-wand'ring now ?  
When I would scarce a look to him allow,  
The restless slave would follow me all day ;  
I could not frown or chide him then away ;  
And now that I would kind to him appear,  
The handsome fool is gone I know not where.  
If any of the winged train of love  
Now hover in this grove,  
Go fetch the moaning boy to me, with haste ;  
Tell him the happy minute's come at last :  
For by love's bow I swear  
I with my goddess open war declare,  
And for the battle all my charms prepare.

Enter *Mercury*.

Ha ! what fair vision thus assails my sight ?  
My beauties love, I swear, arrayed in light !—  
Sparkling in glory, brighter than the day,  
His splendid train sweeps all the shades away.

*Mercury.* My nymph !

*Psecas.* My love appear to me again.  
Welcome, as sudden ease to one in pain.

Where hast thou hid thy lovely self to-day ?  
A whole long morn together from me stay ?  
I have been seeking thee in every grove.

\* \* [she grows jealous] \* \*

Some of the charming goddesses above  
From me have spirited away my love ;  
Venus has chose thee for her page, and she  
Has dressed thee in this shining livery.

*Mercury.* Oh! what amazing change is this!

Am I a-dreaming now in paradise?

\* \* \* \* \*

Can Psecas, then, do anything than kill?

Psecas be kind, and yet be Psecas still?

*Psecas.* The very Psecas who did hate thee once,

But now does all her cruelty renounce;

And with it both my goddess and her train,

Whom now I shun,—I hate,—disdain;

Throw off the yoke of her unnatural law,

And all my beauties from her camp withdraw;

And now in Love's and Nature's cause will fight,

And do my sex and injured beauty right.

*Mercury.* Oh, with what noble courage art thou fired!

What courteous god these thoughts in thee inspired?

Lead on, we will begin the war to-day,

I'll fight the cause, and thou shalt be the pay.

Through a vista in the grove, *Mercury* points to *Calisto* receiving the attentions of *Jupiter*.

*Psecas.* Oh! how I am transported with the sight:

Oh! that some god now my revenge to please,

Would summon hither all the deities,

All Beings mortal and immortal too,

And shew her shame to universal view.

*Mercury.* My nymph not yet her empire understands:

See here a god attending her commands.

*Psecas.* Ha! what great brightness does around thee shine?

Something beams through thee like a power divine.

*Mercury.* Such glorious vassals are your beauties' due,

And less than gods should not pretend to you.

*Psecas.* This is a fate more great than I would crave:

Have I a god then for my beauties slave?

*Mercury.* One of the highest rank, and next the throne.

*Psecas.* This is a love I may with honor own;

For petty gods, like mortals I despise,

But yet I understand not deities.

I fear your passion I must disapprove:

Gods always make dishonorable love.

*Mercury.* By Love! by Styx! I true to thee will be,

And lose my godhead ere be false to thee!

*Psecas.* Suppose you constant to your love remain,

I know not how a god to entertain;

Or, if I did, perhaps divine delight

May not agree with human appetite.

*Mercury.* The joys of gods exceed the thoughts of men.

*Psecas.* Of gods! and shall I be a goddess then?

*Mercury.* As great as Juno, more beloved and praised,  
And have more altars to thy beauty raised?

*Psecas.* What, and have power to torture all I hate,  
That will not die with envy at my state?

*Mercury.* All, all.

*Psecas.* Oh, then the nymphs I will torment;

But for Calisto I will plagues invent.

By my great self this does so pleasing prove, [*aside*]

My ravished heart begins almost to love.

She is discovered by *Nyphe*, who is seeking *Calisto*; and the grove becomes the witness of a recriminating scene:—

*Nyphe.* Ha! *Psecas* here—a lover entertain,

Oh, the vile nymph, she will disgrace our train.

\* \* \* \* \*

I'll tell it all, though I that moment die.

*Psecas* retaliates with the menace—

—to blast her virtuous nature in the bud.—

I'll call the nymphs, and swear *you* are his love.

\* \* \* \* \*

(*Aside*) Oh, how I long till I my reign begin

To plague the nymphs I hate, and play the queen.

\* \* \* \* \*

The scene is renewed in presence of the deities.

*Psecas.* Malicious! will you wipe your stains on me,

And soil my honor with your Mercury!

*Nyphe.* My Mercury?

*Psecas.* Yes, your's; whose should he be?

He durst not have presumed to think of me.

*Nyphe.* Did I not find him with you making love?

*Psecas.* Did I not leave him with you in the grove?

*Nyphe.* You did; but do you not the reason know?

*Psecas.* Must I a reason for your vices show?

*Mercury* (who has entered into the conspiracy) calls (*without*)

*Nyphe*, my love!

Steal to me,—I will help thee,—do not stay;

*Nyphe.* Steal to thee; who art thou?

*Mercury.* Haste, haste, away!

*Psecas.* Now truth is true, I hope; and seeing sight;

Now pray inform us, who is in the right?

*Diana* weeps.

In the fourth act, *Psecas* scorns the divinities:—

Gods, goddesses and nymphs, away I'll fly  
And keep no more such trifling company.  
I'll hunt alone, and in myself delight,  
And be my own dear lord and favorite.

*Diana.* She is grown frantic.

*Juno.* Rather she is brave;  
Stay, generous *Psecas*, I thy friendship crave.  
Bury not all thy worth in a retreat;  
Give me thy love, and I will make thee great.

*Juno*, sympathizing with *Psecas*, determines on deposing the empress of the woods:—

She shall disgrace our dignity no more:  
I will depose her from her heavenly power,  
And crown thee in her stead a power divine!  
I will!—The empire of the woods is thine.  
Meanwhile, I to my first revenge will fly;  
Thy foes and mine shall at the altar die.

*Psecas.* Oh! how I am transported with success,  
Courtied and sought by Fame and Happiness!

Enter *Mercury*.

But how malicious does my fortune prove;—  
Now comes he here to pester me with love.

*Mercury.* My fairest queen!

*Psecas.* Thou troublest me, begone!

*Mercury.* What change is this?

*Psecas.* I'm busied in fruition  
Of a new love.

*Mercury.* Do you say this to try  
If with despair I at your feet will die?  
Name him—

*Psecas.* Myself.

*Mercury.* Oh, then, farewell, despair,  
I hope in that fruition I may share.

*Psecas.* I must feign love that I may freedom gain (*aside*).  
Another time you shall.

*Mercury.* Oh! where and when?

*Psecas.* Perhaps this evening.

*Mercury.* Where?

*Psecas.* In yonder grove.

*Mercury.* Will you not fail me?

*Psecas.* Ask a maid in love  
If she will fail to meet with her delight?

*Mercury.* With expectations of this pleasant night:—  
Till it arrive my thoughts I will employ.

[*Exit.*]

*Psecas.* Do! Expectation's all you shall enjoy.

If in the grove he tarries till he sees—

Me there—he shall stay longer than the trees!

The lady Mary Mordaunt, when she embodied the lively character of *Psecas* to the delight of a crowded Court, was sixteen years of age; and if that purblind wayward boy, dan Cupid, could be supposed, to have aught to do with so weighty a matter as the alliance of two noble families in marriage bonds, it might have been suspected that the young lady who had displayed so much talent on the mimic scene, had been consulted, and was capricious, or wilful in her dissent. Wherein else could have arisen the apparent indifference and delay? The heiress of an earl could hardly have indulged in a matrimonial prospect more eligible than that of first duchess in the land, albeit in the distance:—

One of the highest rank, and next the throne.

To such a proposal, even the wayward nymph might have responded:—

This is a love I may with honor own:

and,—though such considerations may not much have influenced the earl and countess of Peterborough in the settlement of their daughter,—if the fair young baroness\* had other altars raised to her charms than the imps of *Plutus* were elaborating; if she had revelled in the fragrant incense, and become a goddess by the voice of men,—in a Court of gallants, brilliant in wit and sparkling in flattery, the vanities of woman must be her excuse. The mercenary deity was triumphant: some equivalent for the *sine qua non* was at length arranged;† the father of the bridegroom,

\* She inherited the barony of Mordaunt of Turvey, with the more substantial accompaniment of the estate and manor of Drayton. The earldom of Peterborough passed to her cousin, Charles Mordaunt.

† On her marriage, the earl of Peterborough paid, as part of his daughter's portion, £10,000, and settled lands of near £1000 per annum, the reversion of which, on failure of issue, was limited to the lord Howard and his heirs

advancing in the category of rank, by the king's favor had become earl of Norwich; and in August, 1677, the marriage of the "lord Howard, of Castle Rising,"\* with the lady Mary Mordaunt, only daughter and heiress of the earl of Peterborough, became the gossip of the Court.† In October, the Cardinal of Norfolk congratulated his nephew on the auspicious and happy event. "Our whole familie," he writes, "was concerned to see you well settled in a condition, on which its honor and prosperitie depends. Both these are abundantly provided for, by allying yourselfe to so noble a familie, and marrying so accomplished a lady."‡ The king's favor added lustre to the nuptials; lord Arundel, as he was then stiled by courtesy, being summoned to the upper house of parliament, *vitâ patris*, by the title of baron Mowbray, the same year.§ The popish plot, however, which occurred within a few months, was calculated to disturb the new arrangement of the baron's bench. In November, 1678, was passed the bill virtually excluding papists from parliament. It is known, that in consequence of that measure, the duke of Norfolk retired from the House; but whether he recommended a different course to his son, as related by the earl of Dartmouth,||

for ever; and the earl, after the decease of himself and his lady, secured to the lord Howard the furniture of Drayton, worth £10,000 more.—*Case of the duchess*. 1697.

\* Dugdale, MS. Additions.

† On the 9th August, Evelyn writes, "Dined at the earl of Peterborough's the day after the marriage of the lord Arundel with the lady Mary Mordaunt."—*Diary*, v. ii., p. 110.

‡ Orig. at Norfolk House.—*Tiernay, Hist. Arundel*.

§ Summons, dated 14th January, 1678; and the new baron, by the stile of "Henry Mowbray, chevalier," was introduced, with ceremony, on the 28th of the same month. His lordship, being robed, the lord Great Chamberlain [the earl of Arlington], and the earl of Peterborough, deputy Earl Marshal, going before him, lord Mowbray was brought in between the viscount Stafford (his great uncle) and the lord Howard of Escrick [Thomas, lord Howard, who married Elizabeth Mordaunt, aunt of the lady Arundel]; and he was placed at the upper end of the barons' bench, in the place of his grandfather, who had been so called the 16th April, 1640.—*Lords' Journals*.

|| Note on Barnet. *Hist. Own Time*, v. iii., p. 262.

or he was left free to the exercise of his own convictions or policy, the lord Mowbray did not evince the same scruples; and a few months later, it is recorded by Luttrell, that "the lord Mowbray, son of the duke of Norfolk, is turned protestant, hath received the sacrament, and goes to church."\* If this was a measure adverse to the tendency of the Court, it was in agreement with the king's professions, and while it gave lord Mowbray political power, it in no way perceptibly interfered with the award of honors to his share: as a peer of parliament, the stirring events that agitated the nation, engaged his constant attendance; and he was enabled to record his unavailing vote for the acquittal of his unfortunate relative, the viscount Stafford.† On the decease of prince Rupert, in 1682, the king conferred on lord Mowbray the office of Constable and Governor of the Castle and forest of Windsor,‡ with the lord-lieutenancy of the counties of Berks and Surrey; a few months later, the lieutenancy of the county of Norfolk was added to his store of honors; and about a year before the death of the king, January 11th, 168 $\frac{3}{4}$ , the anniversary of his own birth, he became duke of Norfolk.

The accession of James the Second brought additional offices of honor and trust to his share; and the ceremony of the coronation gave occasion for asserting the claim of his family to numerous services of distinctive mark.§ It

\* Diary (Easter, 1679), v. i., p. 9. Henry lord Mowbray took the Oath of Allegiance and Supremacy, and made and subscribed the declaration in pursuance of the recent statute, on Friday, 11th April, 1679.—*Lords' Journals*, v. xiii.

† See his letter to the countess of Arundel, *ante*, p. 102.

‡ January 18, 1682-3. The earl of Arundel took possession of his government of Windsor Castle.—*Pointer, Chron. Hist.* An appointment of some emolument, since Mr. Tiernay mentions an arrear of £12,000 due to the duke.—*Hist. Arundel.*

§ The claims of the duke of Norfolk, at the coronation of James the Second, were manifold:—

1. As Earl Marshal of England, he claimed and performed the duties of that office.

was a proud day for the duke; his great-grandfather, who bore the baton of Earl Marshal at the coronation of Charles

2. As Earl Marshal of England, he claimed to appease the debates that might arise in the king's house on that day; to keep the doors of the same, and of the Abbey, &c., and to dispose of the places to the nobles, &c.; with all fees belonging thereto: but this claim was disallowed, as unprecedented, and in several respects counter-claimed by the lord Great Chamberlain.

"The disallowance of this claim, as *unprecedented*," observes Mr. Banks, (*Hist. Fam. Marmyun, App., p. 187, 4to.*) is a singular contradiction to 'The manner and form how Gilbert de Striguil, Marshal of England, used the same office in all his time, and how he was admitted, holden and taken, in executing the same office, at the coronation of king Henry the Second, &c.'

The foregoing extract from *The office of Earl Marshal of England*, by Mr. Edmondson, Mowbray Herald, (who had adopted a MS. in the Cotton Library,) appeared unanswerable to Mr. Banks. Nevertheless, the disallowance, as claimed by the duke, was most probably correct. Gilbert Marshal, who performed certain duties "all his time," does not appear to have been *Marshal of England*; but held a distinct office, viz., *Marshal of the king's House*.

3. The duke of Norfolk, as first earl of England, claimed to redeem the the Sword offered by the king at the altar, and to carry it before his majesty in his return to his palace, and reservation of other rights and dignities, with fees, &c.

The claim as first earl of England, had reference to the earldom of Arundel, a title commencing in the reign of Henry the Second, adopted from the castle of that name; but the claim was not admitted, as not allowed at the previous coronation.

4. The duke of Norfolk, as earl of Surrey, claimed to carry the second Sword before the king, with all privileges and dignities thereto belonging. This claim was not admitted, for the same reason as the foregoing.

5. The duke of Norfolk, as earl of Arundel and lord of Kenninghall manor, in Norfolk, claimed to perform, by deputy, the office of Chief Butler of England; and to have for his fees the best cup of gold and cover, with all the vessels and wine remaining under the bar, and all the pots and cups, except those of gold and silver, in the wine cellar, after dinner. This claim was allowed, with only the fee of a cup and cover of thirty-two ounces of pure gold.

It is not to be controverted that feudal services in their origin, whether to the State or to the person of the king, rewarded by a grant of lands, were actual duties, to which the service of the Botelry formed no exception. According to Dugdale, the office of Chief Butler was the grant of the Norman Conqueror to William de Albini, to hold, with certain manors in Norfolk. His descendants appear to have been distinguished by the title of *pincerna regis*; and when Adeliza, widow of Henry the First (who held the

the First, was the last member of his ancestry who had so officiated; and since then two earls of Arundel and two

honor of Arundel in dower) gave her hand to the king's butler, William de Albini became earl of Chichester, Sussex or Arundel, with that castle as the *caput baroniæ* of his extensive possessions; but the earldom was totally distinct from the Botelry, and that office from the earldom.

When Hugh de Albini, last of his name earl of Arundel and Sussex, died without issue, in 1243 (27 Hen. III.), and his estates became divisible among "distaffs," the castle of Arundel was awarded to his sister, Isabel, wife of John Fitzalan; and the Norfolk manors were partitioned between Cecile, who married Roger de Montalt, and Mabel, wife of Robert de Tateshall. The return to the writ *ad quod dampnum*, in 1276 (4 Edw. I.), proved that the manors of Bokenham, Wymundham, and Kenninghall, were held *in capite* of the king, by the service before named; and at the coronation of Edward the Second, Robert de Montalt, as lord of Kenninghall, claimed to perform his turn of the service; but Edmund Fitzalan, earl of Arundel, exerting his great power, (though he did not possess any one of the manors to which it had been adjudged) was allowed to perform the service, to the disherison of both Montalt and his parcener.

However, in the first year of Edward the Third, Robert de Montalt petitioned the barons of the Exchequer to be admitted Chief Butler at the coronation, in respect of his manor of Kenninghall, and recovered against the earl of Arundel, who claimed it in right of his earldom. Montalt accordingly performed the office, and obtained a decree that the service should thenceforward be executed by the lords of the manors of Kenninghall, Bokenham, and Wymundham, or their deputies in turn.—*Lib. MSS.*, No. 1931, in *Bib. Pepysiana. De Serjantiis in Anglia.*

But the service of the Botelry appears to have appertained to other lands formerly in possession of the Albinis, earls of Arundel; and, notwithstanding the award in favor of the Norfolk manors, the *Testa de Nevil*, a record of earlier authority, refers the office of *pincerna regis* to the tenure of a manor in the county of Kent: "*Serjantia de Bilseton quæ quondam fuit comitis Arundell p̄ quâ debuit esse pincerna Regi alienata est in p̄te p̄divsas p̄tiças.*"—*Lib. Foed.*, v. ii., pp. 37-8.

Camden relates that the family of Staplegate bought Nether Bilsington of Richard Fitzalan, earl of Arundel, and held it for several generations. Yet at the coronation of Richard the Second, Richard, the fourth Fitzalan earl of Arundel, used his power again to contest the service, and performed the office of Butler in Chief; but with a *salvo jure* that this turn shall not infringe the right of Staplegate or of any other owner of Nether Bilsington.—*Mag. Brit.*, p. 1181. *Ed.* 1720. Yet at the coronation of Henry IV., the right of the earldom, as the most powerful means of claim, appears to have been again asserted.

The family of Montalt had become extinct in the 13th Edward III., and

dukes of Norfolk had passed to the tomb. St. George's day, 1685, was also a proud day for the duchess; she took precedence of her mother in rank; and as the principal attraction of the coronation was the youth and beauty of the queen, "a glorious shew of the most illustrious ladies, both for presence and quality," was the natural arrangement of her attendant Court for the occasion: not least attractive of the brilliant assembly, the duchess of Norfolk was selected to bear her majesty's train; and received the permanent appointment of a lady of the Bedchamber, with a fee of £500 per annum.

The garter, vacant by the advancement of the king to the sovereignty of the order, was presented to the duke; and the colonelcy of a regiment of foot (which he resigned the following year), gave him a military position; and was calculated to unite him more actively in support of the throne. Indeed, "by king, James," observes Mr. Tiernay, "the duke appears to have been treated with an attention bordering on regard. Anxious to secure the support of his powerful influence for the schemes he was already meditating, or by manifesting an attachment to a nobleman who had but lately abandoned the ancient form of worship for that of the established church, he flattered himself that he should more easily obtain credit for the sincerity of his

the manor of Kenninghall, attending the vicissitudes of several families, ultimately passed with a co-heiress of Thomas Mowbray, duke of Norfolk, to Sir John Howard, Knt., created duke of Norfolk, and slain on Bosworth field.

In the intervals of time, to our own day, the claim of the earldom and of the Norfolk manor, appears to have been asserted, separately and in conjunction, as best suited the occasion; while from the coronation of Richard the Second, the *right* of Nether Bilsington has been uninterruptedly asserted and acknowledged. If, therefore, the golden coronation cups, which the Howards *do not possess*, be evidence of the right of Kenninghall, the three maple cups still presented by the lord of the manor of Nether Bilsington, and accepted by the sovereign on the august ceremony of a coronation, unquestionably represent the *shinks* or wine cups, the ancient symbol of the office of the Botelry.

intentions in promoting a universal toleration; certain it is, that both the duke of Norfolk and his family continued to receive at the hands of the king the most universal testimonies of his esteem.”\* And the duke, in return, never forgetting the protestant principles he had adopted for his guide of faith, continued an honest and faithful adviser of the king, until his majesty definitively elected to cast his royalty to the winds, and abandon his sovereign trust in a stubborn despair.

Little time was lost in making these courteous advances: on the 13th day after the coronation, the duke was elected to the companionship of the Garter. On the 22nd July, the installation took place, “with such grandeur, that the ceremonies thereof were printed and licensed by his Grace as Earl Marshal:”† and the plate of his titles, set up in his stall in St. George’s chapel at Windsor, recorded the following long list of honors:—

“Du tres hault puissant et tres noble Prince, Henry, Duc de Norfole, et Conte Marescal d’Angleterre, Conte d’Arundel, Surrey, Norfole et Norwich, Baron Mowbray, Howard, Segrave, Bruce (de Gower), Fitz-Allen, Warren, Clun, Oswaldstre, Maltravers, Graystock, Furnival, Verdon, Lovetot, Strange (de Blakmere), et Howard (de Castle Rysing), premier Duc, Comte, et Baron, d’Angleterre, Conestable et Gouverneur du Chateau, et honneur, et Gardien de la forest de Windesor, Lieutenant des provinces de Norfole, Surrey, et Berkshire, citté de Norwich et province de la ditte citté, et Chevalier du tres noble ordre de la jartiere, enstallé au chateau de Windesor le 22 jour de Juliet, l’an 1685.”‡

Whatever might be said of the right of inheritance to some of these titles as mere empty honors;§ without affecting that right, the noble manor whence one of them had originated, had been very recently, by rude force of law, wrested from the possession of the illustrious K.G., when the heraldic record had been set up to perpetuate a doubtful truth. On the 1st June, a petition and appeal of

\* Hist. Arundel.

† August 20, 1685.—*Collins*.

‡ Stall 15, plate 11 in succession.—*Collins*.

§ See Banks’s Analysis, 8vo., 1812.

Charles Howard, esq., in furtherance of his claim to the manor or lordship of Greystoke, had been presented to the House of Peers, praying reversal of the decree of the lord Keeper Guildford, which had annulled that of the lord Chancellor Nottingham in his favor,\* and ousted him from his brief possession. On the 19th June, the petition was read, and counsel were heard during two successive days; the answer of the duke, and of Marriott, the survivor of the original wrong, were considered; and the result of the deliberation was, that the Order of the Court of Chancery, of the 15th May, 1683, should be reversed; and the decree of the same Court, of the 17th June, 1682, in behalf of the appellant, confirmed.† Thus terminated the long-pending family dispute, inherited with some other liabilities of the preceding generation, chargeable on his patrimony: among them, the portion of his aunt, the lady Elizabeth Macdonnel, had not yet been discharged; and it was a year or two later, when the lady Elizabeth Howard had changed her name a second time, that a bill was introduced to parliament to discharge the duke of Norfolk and other trustees of the late duke, upon payment of certain sums of money to the lady Elizabeth Russell, wife of Bartholomew Russell, esq., that his estate was relieved from a long-standing en-

\* Ante, p. 195.

† Lords' Journals, v. xiv., pp. 26, 50. The decree of lord Chancellor Nottingham ordered the defendant to account to the plaintiff for the profits since the demise of duke Thomas, in 1677; and referred the matter to a Master in Chancery to take the account. The petition of the complainant stated the value of the lands in dispute at £500 per annum; and the late duke had computed his costs at £1700.—*Ante*, p. 196. At the date of the final decree by the Lords, the account would embrace  $7\frac{1}{2}$  years rental, and the costs of suit. Some years had elapsed, and the affair was yet unsettled, when, on the 7th March, 1692, "The House being acquainted by his Grace, the duke of Norfolk, that there were several matters in dispute between his Grace and the hon. Charles Howard, his uncle, which they had design to refer to Mr. William Longueville," it was made an Order of the House that the duke do waive his privilege, &c.: such order to continue in force from the date of signing the letter of reference until the determination of the dispute.—*Ibid.*, v. xv., p. 278.

cumberance that had before engaged the attention of parliament.\* Add, that in addition to the broad acres which, within his remembrance, had been sold to discharge the debts of three preceding generations,—that his father, by will, had severed from the elder branch of his family much property at his disposal, to make provision for his widow and second family; and the prospects of the duke will appear to have needed the alliance of an heiress with an earl's endowment, to give him a fair start in the great world of fashion and display. But whatever were the hopes with which the duke had entered married life, they all took the wings of the morning and flew away. The alliance was neither fortunate nor happy; and the *sine qua non*, so stoutly contended for on his behalf by the duke, his father, proved as evanescent as any other earthly joy, and led to embarrassments which he did not survive.

If the Court of Charles the Second had been notorious for its licentiousness, that of James the Second had not resolved itself into the severity of monastic ascetism. It might have been *Diana's* grove, from the description of *Psecas* herself:—

The spreading trees are not so full of birds;—  
The caves of beasts; as all the woods around  
Of wanton gods, who everywhere abound,  
Waiting to make our chastity a prey,  
And gins and toyles do for our honors lay:  
On our occasions we can no where move,  
But straight we fall into some pit of love.†

The gaities of the coronation had elapsed about five months; the splendid installation of her father and husband to the knighthood of the Garter had three months fresher memory in the record of courtly honors, when the golden cup in which the happiness of this mis-matched pair had been incompletely mixed, was dashed to the ground;—the

\* Lords' Journals, v. xiv., pp. 397, 415, 427; ante, pp. 172, 175.

† Calisto, a. v.

lady of the Bedchamber had fallen into one of the *toyles* of that wicked son of *Nox* and *Erëbus*, and was discovered in a low intrigue with one of the *canaille* of the Court. On the 26th July (the day of public thanksgiving for the discomfiture of the unfortunate Monmouth), Luttrell records the "great scandal" that was abroad respecting the duchess of Norfolk and "one Germyn."\* Evelyn says, he was a Dutch gamester, of mean extraction, who got much money by gaming."† The rumour and the scandal, some years later sustained by evidence, were not beyond the facts proven. The friends of the lady were surprised; and "the reputation which the duchess had maintained for wit and discretion made it difficult for many to believe that she could have been surprised in her amour as represented by the evidence."‡ How acted the duke? If the gallant had been his equal, he might have taken pattern by the earl of Shrewsbury, and received the satisfaction of the sword; as he was beneath him in rank, he might have "run him through, as too mean a fellow to fight with."§ The duke was not wanting in courage; he had already fought in maintenance of his father's honor and the duchess dowager's fame;|| yet he did neither of these things; he palliated the offence; he whistled o'er his own disgrace; and a week later the disunited pair were harmoniously living together in Paris!

Gregory King, Lancaster Herald, who professes to have recorded the proceedings of his chief, writes, "that the duke separated himself from the company of the duchess about a week before Michaelmas, 1685: on the Thursday after, he set out for Paris, and she followed him thither. That his Grace came from Paris on Monday, October 26th,

\* Diary, v. i., p. 359.

† Diary, v. ii., p. 359.

‡ The duke of Norfolk's Case.

§ See the quarrel of Ned Howard (son of the earl of Berkshire) and Lacy, the actor, described by Pepys.—*Diary*, v. iv., p. 19.

|| Ante, p. 201.

and had not staid so long but for a rheum, which fell into his eyes, and disturbed his head. That he landed at Margate, and came to town on November 1st, leaving the duchess behind, and continued indisposed; but his Grace was pretty well recovered before the end of the month.”\* The duchess relates that herself and the duke went together; and continued in Paris for some time, until her lord told her his occasions required him to go for England;† but that he would return to France in a short time and take her home.‡ In her narrative, she describes the illness of the duke; how carefully she had tended him; and that he would receive nothing but from her hands.§ That they took their meals together and lived in harmony, was the statement of the duchess’s maid; but her evidence further disclosed that the duke had left his lady in a monastery, and that they parted with much apparent affection at the *grating*.|| Here the duchess continued under restraint for thirteen months;¶ and it was one of her complaints—perhaps one of the errors of the duke—that, being a protestant, he had placed her in a monastery, where she could not have been admitted without changing her religion; yet the incarceration had been conducted with every semblance of kindness, and the parting one of contrition and forgiveness,

\* MS. Journal, penes Collins.

† Collins says, that owing to the indisposition of the Earl Marshal, the duke of Southampton could not be introduced to the House of Peers on November 19th, as had been proposed.—*Peerage*, v. i., p. 159. The duke of Southampton was Charles Fitzroy, eldest son of the king and the duchess of Cleveland.

‡ Answer of the duchess; evidence of Elizabeth Camell.—*Case*, &c.

§ Answer of the duchess. || Evidence of Elizabeth Camell.—*Case*, &c.

¶ Ibid. After six months, says Mr. Tiernay, a friend named Conne, wrote to England, persuading the duke to visit the duchess, promising “he would find her in a more perfect condition, and in a more tractable humour than ever he did see her;” and expressing anxiety to bring about a reconciliation between him and “his dearest lady, whose affection and behaviour would be more to his satisfaction than in time by gone.”—*Orig. at Norf. House*.—*Hist. Arundel*.

that at once forbad any appeal to the Ecclesiastical Courts. The duke did not make any such appeal, but continued to temporize with his misfortunes. "On his return to England" continues the duchess, "he several times visited my mother, the countess of Peterborough; and with great observance and respect, asking her blessings, represented that his debts pressing upon him, if her daughter (myself) would consent that the manor of Drayton and other estates should be settled on him and his heirs, he should be made a happy man."\* Happy man be his dole! The lady would not consent to surrender her property; it is not probable that her friends would have advised her to make so great a sacrifice; and taking nothing by his motion, the duke, after the interval mentioned by the witness,† fulfilled his promise of returning to France, and released his lady from her restraint. Luttrell chronicles the duke's visit to Paris, early in the year 1687.‡ He had obtained leave of his majesty to travel, and was preparing for France on the 20th February;§ but his travel was probably limited to his occasions, and the summer months again beheld him in London. The duke's embarrassments were yet pressing; and "coming to England," says the duchess, "I found his Grace had put off house-keeping, and for about two years dwelt in the countess of Peterborough's lodgings, at St. James's."|| The countess, it will be remembered, held more than one office at Court;¶ and the duke's residence within the precincts of the palace will the more readily account for his presence on some occasions that seemed deficient of explanation; but postponing for the moment political events, it was a great triumph for the duchess, that she could say "no charge is made against me." If the duke had a strong case, his carriage was extremely

\* Answer of the duchess of Norfolk, 1692.

† Elizabeth Camell.—*Answer of the duchess, &c.*

‡ Diary, v. i., p. 435.

§ Ibid., p. 431.

|| Answer of the duchess of Norfolk.

¶ Ante, p. 218.

weak, or his own conduct would not bear investigation; and the duchess had not long set foot on English ground when, her promised allowance from the duke being unpaid,\* she presented a petition to the Commissioners for Ecclesiastical affairs,† setting forth her grievances, her claim for alimony; and praying for relief.‡ She represented the large portion in money her husband had received with her in marriage,§ the annual income he was still receiving from her family under her marriage settlement,|| and the rich jewels, plate, and other valuables which she had brought with her into the duke's family.¶ In January the following year,\*\* the appeal had run its course, and the Commissioners made an award in the lady's favor, of £1500 per annum for her maintenance.†† Still, she triumphantly exclaims, "the duke did not, during that suit, object any crime against me, which had been proper for him to have done, to avoid alimony, if I had been guilty."‡‡ With the provision adjudged, the duchess retired to Drayton, where, she adds, "the duke did write very affectionately unto me; and, disturbances happening in Northamptonshire, in November, 1688, I left Drayton, and, with the duke's consent, went beyond seas, until sent for by my father and mother; and then returned to England, which was in or about October, 1691, with the duke's consent; and then application being made to me by the duke, my husband, to join with him in the sale of Castle Rising and other estates; I, being advised that it would be injurious to

\* The duke had "ordered" £400 yearly to be paid to the duchess out of her own estate, independent of the separate maintenance settled by her father on her marriage.—*Answer of the duchess.*

† King James the Second's Ecclesiastical Commission is printed in Howell's State Trials, v. xi., col. 1143.

‡ April, 1687.—*Luttrell, Diary*, v. i., p. 399.

§ £10,000.—*Case of the duchess.*

|| £1000 per annum.—*Ibid.*

¶ *Ibid.*

\*\* 1688.

†† *Luttrell, Diary*, v. i., pp. 427, 429.

‡‡ Answer of the duchess, 1692.

me, would not join therein ; which I humbly apprehend to be the true cause and occasion of this proceeding against my honor on the part of the duke, my husband."\* Perhaps the duchess may have been rather confused in her estimate of time, and slightly to have overshot the period of her return to England,—perhaps by a year—or two. Witnesses, at a later date, spoke of a lady, masked, watching my lord duke in the park below, from a window of Mr. Germaine's house, adjoining the Cockpit ; and of a lady Beckman, who afterwards resided in a house at *Fox-hall*, hired for her by Mr. Daniel Germaine, and who there received the visits of his brother, for a year or more previous to the date given by the duchess for her return to England. But then, she was not bound in law to criminate herself ; and financial reasons were mentioned in explanation of the necessity for retirement and the assumption of a fictitious name.† Her frailty, if in law and morals without excuse, had yet its apology ; and with *Julia* she might have said—

Man's love is of man's life, a thing apart ;  
 'Tis woman's whole existence. Man may range  
 The court, camp, church, the vessel and the mart ;  
 Sword, gown, gain, glory, offer in exchange  
 Pride, fame, ambition, to fill up his heart ;  
 And few there are whom these can not estrange :  
 Men have all these resources ; we but one,—  
 To love again ———

The interval had been a period of great political action, in which the duke had participated, prudently for the public weal. As an officer of State, he was brought in immediate contact with the Court ; yet, as a consistent protestant, he was averse to its reactionary measures. " Whatever were the errors or the faults of James," says Mr. Tiernay, " it was never pretended that he was insincere in his religious opinions ; and though there is certainly no truth in the stories that have been told of his proselyting attempts on the duke

\* Answer of the duchess, 1692.

† Evidence of Henry Keymour.

of Norfolk, it may nevertheless be true that some part, at least, of his kindness to that nobleman, was conferred from *a desire of enticing him back to the creed of his fathers.*”\* With this admission, Mr. Tiernay proceeds to combat “the veracity of the reverend historian,” who, describing the “proselyting attempts” on others of the Court, relates the pleasant story, that—“*One day the king gave the duke of Norfolk the Sword of State to carry before him to the chapel; and he stood at the door: whereupon the king said to him: “My lord, your father would have gone further;” and the duke replied: “Your majesty’s father was the better man, and he would not have gone so far!”*”† The anecdote may be rather characteristic than exact; yet there seems no improbability in the king (perhaps as a first approach) indulging in the gentle banter of a courtier, bound to his service by many favors, who had abandoned the faith himself professed: indeed the evidence, cited from Dr. Lingard to confute the tale, has nothing in fact, and little in probability, that will apply to the case. Mons. Barillon, the French ambassador at the English Court, in a dispatch, dated London, “30 Avril, 1685,”‡ about two months after the accession of James, writes to his royal master: “Il etoit hier ici le jour de Pâques; les chevaliers de l’ordre accompagnèrent le Roi d’Angleterre avec leurs colliers jusqu’à la porte de la tribune où il entend la messe. *Le duc de Sommerset*§ portoit l’épée; il est demeuré à la porte, coutume n’étant pas que celui qui porte cette épée entre dans l’église, si ce n’est lorsque le Roi communie.

\* Hist. of Arundel, p. 546. † Burnet, Own Time, v. iii., p. 115, 8vo.

‡ Dr. Lingard and Mr. Tiernay refer also to a dispatch of April 26th. There is no dispatch of that date in Fox. And a mistake is evident in the dispatch quoted. Easter would not fall so late as the 29th of the month; and in 1685, Dr. Lingard places Easter Sunday on the 16th. If the ambassador wrote on the following day, as he states, the 17th would be the date of his letter; whereas he acknowledges the French king’s dispatch of the 24th April.—*Hist. of James the Second, by C. J. Fox. App., p. lxvii.*

§ Charles Seymour, K.G.

Les ducs de Nordfolk, de Grafton,\* de Richemond,† et de Northumberland,‡ les comtes d'Oxford,§ et de Mulgraf,|| et plusieurs autres Seigneurs, accompagnèrent sa Majesté Britannique en allant et en revenant. On a remarqué que le duc d'Ormond¶ et le marquis d'Halifax\*\* sont demeurés dans l'antichambre."††

It was the first Easter after the accession; and the popish king made a parade of his faith,—the faith he intended to establish as the religion of the State in his dominions.‡‡ The duke of Somerset carried the Sword; therefore it could not have been the occasion referred to by Burnet. His majesty was accompanied by certain knights of the Garter, in their collars of the Order, to the door of the tribune, and the duke of Norfolk is named one of those knights; but the duke had not then been elected knight of the Order; and therefore it may well be doubted whether Barillon may not have been mistaken in naming the protestant duke of Norfolk on that occasion. "It was the custom," he says, "for the person carrying the Sword of State to remain at the door, except when the king communicated;"—and then, adds Mr. Tiernay, "*it was borne by a catholic.*" Barillon has no such words; though the inference may be admitted. Burnet, however, appears to have been fully aware of the *custom*, when he says, the duke *stood at the door*; and without giving offence or

\* Henry Fitzroy, K.G., natural son of Charles the Second, by the duchess of Cleveland, created duke of Grafton, 1675.

† Charles Lennox, K.G., natural son of Charles the Second and the duchess of Portsmouth; created duke of Richmond, 1670.

‡ George Fitzroy, K.G., natural son of Charles the Second and the duchess of Cleveland, created duke of Northumberland, 1682.

§ Aubrey de Vere, K.G., last of his family.

|| John Sheffield, K.G., afterwards duke of Buckingham.

¶ James Butler, K.G.

\*\* Sir George Saville, created marquess of Halifax, 1682.

†† Fox, Hist. of James the Second. App., p. lxvii.

‡‡ "Cette résolution," continues Barillon, "que le Roi d'Angleterre a prise d'aller à l'église avec ces officiers et ces gardes cause autant de bruit,

receiving an indignity, his majesty took the opportunity, very expressively, of intimating *his desire that the duke should return to the faith of his fathers*. However, he maintained his loyalty and retained his faith. Two years afterwards, in August, 1687, "the duke of Norfolk," says Sir John Reresby, "came to visit me in London; with whom, discoursing upon the present situation of the kingdom, I found him a very firm and steady protestant, to which he had been converted in the late reign; and by no means satisfied with the Court."\* He found its measures odious to the people. As lord lieutenant of several counties, it became his duty to act as the agent of the government. In Surrey, he found his own opinions to prevail; and in Norfolk, out of seventy gentlemen of note, only six gave any hope of supporting the measures of the Court. Collins relates that "when the king began his journey towards Salisbury, to put himself at the head of his army, the duke set out for his seat in Norfolk, and immediately declared for the prince of Orange."† Such a statement conveys but a vague impression of the duke's loyalty under circumstances difficult to a man of less decided opinions. The duke clearly saw the tendency of the nation, and the measures that alone would quiet the rising storm. In public, if not in his private affairs, he was happy or fortunate in his judgment; and he advised accordingly. In 1688, when the danger was imminent, but not irretrievable, "the duke of Norfolk," writes Luttrell, "is gone into that county with a commission to displace all catholics there, and some dissenters, and to put in churchmen."‡ Pursuing the same course of policy, Collins, from a MS. Journal in his possession, relates, that the duke was among the "protestant lords," who, in November of that year, together with

et fait faire plus de reflexions, que l'on n'en a fait, lorsqu'il alla publiquement à la messe."—*Fox, ut supra*.

\* Mem., p. 266.

† Peerage, v. i., p. 158; ed. 1756.

‡ Diary, v. i., p. 471.

the archbishops and other bishops, drew up the celebrated petition to the king for a "free parliament—wherein they should be most ready to promote such counsels and resolutions of peace and settlement of church and state, as might conduce to his majesty's honor and safety, and to the quieting the minds of the people, &c."\* The statement, however, has been subjected to amendment. Mr. Tiernay† has referred to a letter written by the duke, November 16th, 1688, the day previous to the presentation of the petition, and yet extant,‡ in which he, as many others had done, objected to it as ill-timed. This, without disproving his concurrence in the sentiments expressed, might have thrown some doubt on his general policy, had not the duke steadily pursued the very object of which the petition was the exponent. The event shewed how correct had been his judgment: the petition was presented to the king on the morning of the 17th November, when, for the moment, he had resolved to fight for his throne: he received it with sullen disapprobation, and refused to entertain the subject of calling a parliament until the prince of Orange had quitted the kingdom.§ An absolute monarch could take no other course: a constitutional king, without derogation of dignity, might have listened to advice.

The prince of Orange landed at Torbay on the 5th November; on Saturday, the 17th, the king left London to join his troops at Salisbury; and made his precipitate retreat thence on the 26th. On the 28th, wavering in the extremity of his distress, he acceded for the instant to the petition of his best and most constitutional advisers, and gave directions for summoning a parliament to meet on the 13th January. It was under these circumstances that, on the 1st December, the duke of Norfolk, as lord lieutenant of the county, attended a meeting at Norwich. In

\* Journal of Gregory King, *Lanc. Herald*.

† *Hist. Arundel*.

‡ B. M. Lib. Sloane MS. 4163, No. 18.

§ *Life of king William the Third*.

place of the discouragement he had found, the previous year, to the measures of the Court; in the words of Blomefield, who cites the city records, the duke, on that day, rode into the market place\* at the head of three hundred knights and gentlemen of the county; and there, being met by the mayor and aldermen from the Guildhall, he made his memorable address to the assemblage (in the terms of the petition to the throne) "that nothing could better secure the laws, liberties, and the protestant religion than a free parliament; and since his majesty had been pleased to order writs for such a parliament, he could only add, in the name of himself and all those gentlemen and others there met, that they would ever be ready to support the laws, liberties, and protestant religion;"† concluding his address with the loyal exclamation, *God save the king*,—in the faith that his majesty had at length adopted the only advice that could save his throne. Popular enthusiasm, unaware of the actual position, might probably tinge these proceedings with an aspect of more florid or violent action: indeed, in the progress of events, Luttrell writes, "Letters from Norfolk say, 'the duke of Norfolk is up in that county with the militia, declaring for a free parliament.'"‡

\* The duke was rather an imposing person on horseback. Evelyn, witnessing the exercises in the tilt-yard, observed "the difference between what the French call *bel homme à cheval* and *bon homme à cheval*; the duke of Norfolk being of the first, that is, rather a fine person on a horse: the duke of Northumberland being both in perfection—a graceful person and an excellent rider.—*Diary*, v. ii., p. 202.

† Hist. Norfolk, v. iii., p. 424: 8vo.

‡ *Diary* (Dec., 1688), v. i., p. 483. An address to the lord lieutenant, from the mayor and corporation of King's Lynn, on the 6th December, produced from the duke a declaration—"That no man would venture his life and fortune more freely for defence of the laws, liberties, and protestant religion than he would do; and with all the gentlemen there present, and many more, would procure a settlement in church and state, in concurrence with the lords and gentlemen in the north, and pursuant to the declaration of the prince of Orange." It was in pursuance of the requisition of this address, that the militia of the county were assembled as a demonstration of the protestant cause.

A week later, and the pernicious advice of "the Jesuits" had again prevailed; a re-action occurred in the royal councils: on the 10th December (the advanced guard of the prince of Orange being at Newbury) "about two o'clock in the morning, the king having entered a caveat against making use of those few writs that had been already issued for summoning a parliament, and ordered the great seal to be thrown into the Thames,"\* declared his intention of seeking immediate safety in flight. So vanished the last hope of the protestants in James the Second.

On the 18th December, the prince of Orange arrived at St. James's palace; and on the 21st the duke of Norfolk, with other lords spiritual and temporal, waited on his highness, desiring him to call a free parliament, and to pursue the ends of his declaration. From that time, the duke is to be identified with all the measures for the security of the kingdom, and the settlement of the throne in a protestant succession.

In February following, the duke was appointed a member of the Privy Council; a gentleman of his majesty's Bedchamber; and was confirmed in those offices of honor and trust held by his father, and by himself in the late reign. At the coronation of the king and queen, on the 11th April, his office of Earl Marshal, a second time was brought into prominent display in his person; and the service of Chief Butler appears to have been admitted with a liberality consistent with a revolutionary period, "the best gold cup that the king drank out of on that day, with the cloths, napkins, and linen then used; the cups, both of gold and silver, used that day in the king's wine cellar; with

\* Life of king William the Third. Dr. Lingard says, the king threw the writs in the fire with his own hand; and himself cast the great seal into the river as he crossed the Thames at the Horseferry to Lambeth. It was there, from the middle of the stream, that in the following summer, the Great Seal was accidentally caught in a fisherman's net, and brought to the surface.—*Burnet, Own Time*, v. iv., p. 29.

all wine vessels, pots, cups, glasses, &c.," being claimed and allowed as his fee on the occasion.\* Yet honors and offices of distinction are not always posts of profit; and the duke lived in times when, if report be true, preferment sometimes lacked its allotted revenue. To come to the point, chafing less under the weight of his antlers, than the pressure of his necessities, the duke wanted money: and, to his dismay, found certain manors he proposed to sell, inconveniently encumbered with a life interest of the duchess. This brings the narrative to the year 1691, when, as the duchess represented, and witnesses of credit confirmed, in November, a communication was opened with her and her father, the earl of Peterborough, to the effect, that if his Grace should be accommodated in respect to those manors, "all things might be reconciled;"† but the earl was angry at the way in which the proposition had been made; the duchess gave her written answer "that for Castle Rising and Billing,‡ she would never part with them;" although the duke had expressed a willingness to oblige her as to her manor of Drayton, for which she used to entertain an affection: "once," said the duke, "she did offer me a considerable sum of money for my life in it;" and as a stimulus to compliance, he carelessly threw in the intimation: "I am told if I bring a bill of divorce into the House of Lords, it will take effect."§

\* Blomefield, *Hist. Norfolk*, v. i., p. 218: *Svo.*

† The witnesses were subsequently led to explain, that they did not understand the duke to mean that he would again live with the duchess,—a conclusion of doubtful import.

‡ The manor of *Billing-Magna*, in the county of Northampton, in the latter days of king Charles the First, was purchased by Barnabas, sixth earl of Thomond, maternal grandfather of the duchess, and appears to have been included in her marriage settlement. The old mansion house is described by Mr. Bridges as a handsome structure, with pleasant gardens, &c. Henry, seventh earl of Thomond, the aged uncle of the duchess, (and one of her trustees) died at Billing, in May, 1691, a few months before the occurrence above mentioned.—*Hist. Northampton*, v. i., p. 407.

§ Evidence of Mr. Robert Welborne and Mr. Francis Negus.

Whether or not the failure of the negotiation, as the duchess stated, had any connection with the proceedings that shortly followed in the direction indicated, the duke made an appeal to parliament. He brought forward the witnesses of his shame, who declared they had been examined by and had given their evidence to himself and the earl of Peterborough *six years before!* The servants "had murmured among themselves that my lord was wronged; and had told him of it."\* Mrs. Stourton, with a sigh, had said: "Ha! it was nothing but what she expected!" and the witness replied, "If she had been as near the duchess as Mrs. Stourton was, she would have prevented all this."† Well, the tale must be told.

It was in the reign of king James, and the Court was at Windsor; the king left town on the 4th August, 1685, after the adjournment of his first parliament. On the 23rd, had audience of his majesty the marquess Valparessa, Envoy Extraordinary from the Court of Spain; on the 13th September, the marquess paid his respects to their Royal Highnesses;‡ and on the 20th, the Envoy had audience of leave of their majesties at the Castle.§ It was a favorable opportunity for taking his lady, the marchioness, and her child, back with him to Madrid.|| The duke is represented to have been at Portsmouth; perhaps he was in attendance on his brother-in-law, the Envoy, and his sister, in order to their embarkation. It was a chilly morning, about Bartholomewtide; and my lady, the duchess of Norfolk, ordered a fire in my lord's room. Mrs. Nelly Gwyn came in with the compliments of the day,¶ and inquired after the

\* Evidence of Thomas Hudson.

† Evidence of Edith Sawbridge.

‡ The princesses, Mary of Orange, and Anne, of Denmark.

§ Pointer, Chron. Hist., v. i., pp. 328-9.

|| Vide ante, p. 177.

¶ In her Vindication, the advisers of the duchess taunted the duke with the production of "a dead witness." Poor Nelly was taken ill about eighteen months after the occurrence above mentioned (March, 1686-7); she died on the 14th, and was buried with honors she despised when living, at St. Martin's in the Fields, on the 17th November, 1687 (*Luttrell*).

health of the duchess and of—*Capt. Germaine!* My lady duchess, denying the soft impeachment, knew nothing of him. • Presently came in Cornwall,\* to inquire for the same gallant officer; and my lady again responded a denial of his whereabouts; but Mrs. Nelly, who was in one of her wickedest humours,† bantered the duchess on her affected *nonchalance*, and chimed in with the remark, “I question not but he will come out, by and bye, like a drowned mouse.”‡ It might have been a *Juan* case; perhaps the Captain escaped, like Byron’s peccant hero,—as John Churchill actually avoided discovery by Charles the Second;§ but no evidence appeared to corroborate the surmise; nor were there left behind slippers unfeminine to tell the guilty tale; yet it did so happen, at this particular season, that Simon Varelst,|| the monarch of flowers, and

Among other gaudy trumpery, twelve heraldic achievements displayed, *On a lozenge, party per pale arg. and or., a lion rampant az.* (for Majesty!)

\* Capt. Cornwall, one of the gentlemen in waiting on George, prince of Denmark. “*Germaine, the duchess, and Cornwall, went to play on the previous evening; and Germaine sent his man for clean linen.*”—*Evidence of Thomas Hudson*. In the morning, Germaine’s man came with the linen, saying his master was there; and Hudson told the witness he was still in the house.—*Evidence of Anne Burton. Case, &c.* For the duchess, it was urged, that it was not unusual for gambling to be continued the night through.—*Vindication of the duchess. Published by her authority, 4to, 1693.*

† Bishop Burnet says she was the indiscreetest and wildest creature that ever was in a Court. She imitated all persons in so lively a manner, that she was a constant diversion.—*Hist. Own Time, v. i., p. 437. 8vo.*

‡ Evidence of Thomas Hudson, butler at Windsor; and of Anne Burton, servant to the duke and duchess of Norfolk.—*The duke’s Charge, &c.*

§ When Buckingham, to advocate other views, betrayed the frailty of his fair cousin, the duchess of Cleveland, to the resentment of the king; John Churchill (afterwards duke of Marlborough) her paramour for the moment, made his escape by jumping through the window. But the influential courtier had destroyed the power of the frail favorite; and the king made Will. Legge (one of his pages), sing a ballad to her: “*Poor Allinda’s growing old; those charms are now no more.*”—*Earl of Dartmouth’s Note on Burnet. Hist. Own Time, v. i., p. 458. Vide ante, p. 215.*

|| Varelst, a real ornament of Charles’s reign, observes Walpole, was a Dutch flower painter; but took to portraits, which he finished with the

rival of Lely in the human form divine, had been engaged on a portraiture of the duchess.\* Lely had set the fashion of *deshabile* in ladies painted attire, described by the lively pen of one of the fair themselves:—

Your night-gown fastened with a single pin,  
Fancy improv'd the wond'rous charms within:†

—“a sweet disorder of the dress,” that Herrick had long before proclaimed “kindled in clothes a wantonnesse”—

— more bewitching than when art  
Is too precise in every part.

In such a case, the duchess sat to the artist where she made her toilet; and in a cupboard of the room the painter deposited his canvas and tools of art. It was there—

Some evil sprite—a gnome  
In search of mischief—‡

discovered certain articles of dress not worn by ladies, and to which the duke claimed no pretence, though they were

same delicacy as his flowers; and introduced the latter so profusely on his portrait canvasses, that Charles asked if his portrait of Buckingham was not a *flower piece*.—*Anecdotes of Painting*. Not unjustly perhaps, he engrossed the fashion, though Lely became the sacrifice; for while yet in obscurity, Pepys paid no slight compliment to his genius, when he attempted to remove the dew drops from a flower of the artist's creation. “Again and again,” he writes, “did I put my finger on it, to feel whether my eyes deceived me or no.”—*Diary*, v. v., p. 172. Varelst painted Mrs. Nelly, by command of the king. Several of his portraits are, or were, at Hampton Court.

\* The portraiture of a lady who had influenced so diversely the lives of a duke, and an adventurer, might be interesting to contemplate. It is probably not in possession of the Howards: it may have passed, with the manor of Drayton, to the lady Elizabeth Germaine and her devisees. Mr. Henry Howard of Corby, entertained too much virtuous indignation of the lady's doings, to know aught else respecting her; or even to “inquire” the particulars of her birth or decease: her marriage into the illustrious family—(*a honor not of her own seeking*)—being alone recorded in his *Indications of Family Memorials*, &c.

† Lady Mary Wortley Montague.

‡ The evil sprites were twain, “My lady's woman and Anne Barton.”—*Evidence of Thomas Hudson*. *Case*, &c.

conveyed to him; were pondered o'er by the earl of Peterborough; and by both, submitted to the scrutiny of inquiring eyes. The painter also disavowed the property; but he reluctantly gave in evidence the fact, that when he had returned home two or three days, Capt. Germaine came to him with offers of gold in the present, and fortune in the future, if he would be so much of a gentleman as to claim the garments for his own, and save the lady's honor. But the painter, ambitious as he was, refused the liberal offer, declined the prospective advantages; and in illustration of the poet's adage, *Women beware women*,—"I should not have been here to give this evidence," said the artist, "had not my wife overheard the conversation with Germaine, and the proposals that were made."\*

Suspicious of guilt as this evidence may appear, the public scandal chronicled by Luttrell, somewhat later in the same month of September, 1685, had immediate reference to the statement of another witness—Rowland Owen, a servant of the duke, employed at St. James's;† and the man's testimony had the merit of credibility in so far, that it was a voluntary declaration made at the time, when there was no endeavour to get up a case; but on the contrary, the policy appears to have been to discourage and silence unfavorable reports. Six years later, himself and twenty-three other witnesses gave their testimony, at the bar of the House of Lords, to facts and circumstances that had so long a time been known to the duke, and notorious to the world. On the 8th January, 169½, the duke exhibited his bill in parliament, for a divorce from the lady Mary Mordaunt; and

\* Evidence of Simon Varelst.—*Case, &c.*

† As a contribution to the custom and habits of the age, in the first year of James the Second, it appears, from the testimony of this witness, not to have been unusual for a duchess, in waiting at Court as a lady of the Bedchamber on the queen, to order her supper from the "*Blew Posts, in the Haymarket*," while, at other times, *comestibles* and household necessities were brought from the duke's private residence.

for leave to marry again :\* it met with opposition at every stage ; cases of privilege and precedent were required ; and when, after long debate, a resolution passed for receiving the bill, it met with protest.† At length, after some further delays on the part of the duchess,—the alleged difficulty of proving a negative, after so long a period had elapsed from the offences charged,—she attended the House in person, and being accommodated with a chair at the table, delivered her answer,‡ denying the allegations ; and —“ adhering to her protestations of innocence,” submitted, “ that by the laws of the land, a husband sueing for a divorce for the adultery of a wife, ought not to obtain a sentence of divorce, if he be found guilty of the same ; and she is ready to aver that the duke, her husband, is guilty of adultery, and hath continued in the same for ten years past, and doth so continue.”§ On the 23rd January, twenty-eight witnesses were sworn against the duchess ; and on Tuesday, the 26th, January, the king, who appears to have taken an interest in the proceedings—(and Germaine was not without some favor at Court,||)—went *incog.* to hear the evidence, which, on that day, was “ strong for the duke.”¶ But after the witnesses on both sides had delivered their testimony, much further debate, and several adjournments ; on the 17th February the House rejected the bill on the second reading, by a majority of five votes.\*\* The duke probably was disappointed in his arrangements, a resolution of the House on the previous day having decided that “ No proxies can be allowed to vote on judicial matters ;” which, says Luttrell, “ made against the duke.”††

\* The bill is printed with the *Vindication*, 4to., 1693.

† Lords' Journals, v. xiv., pp. 782, 784 ; v. v., p. 20.

‡ 21st January.

§ Case, &c. ; *Vindication*, 1693.

|| Luttrell, Diary.

¶ *Ibid.*, v. ii., p. 344.

\*\* The contents were 35 ; non-contents 40.—*Lords' Journ.*, v. xv., p. 81.

†† *Diary*, v. ii., p. 361. The reception of proxy votes, which of course involves the principle of delivering judgment without hearing the evidence, nevertheless, received the advocacy of eighteen peers, who delivered their

In this unhappy contest, the duke's protestantism is represented to have stood him in no good stead; all who favored the Jacobites and were of vicious lives, writes Burnet, espoused the cause of the duchess with a zeal that did themselves little honor. Their number was such that no progress could be made with the bill, though the proofs were too full and too plain. But the main question was, whether the duke should be allowed to marry again; no proceedings having been taken for the dissolution of the marriage in the Ecclesiastical Courts.\* The earl of Peterborough, father of the duchess, had "relapsed to popery," in 1689; and doubtless there was a strong party that maintained the cause of the lady, besides her relations, who, says the earl of Dartmouth, "opposed the bill with great zeal and warmth; and though nobody pretended to justify the conduct of the duchess, there were many reasons for alleviating the rigour of her punishment. The duke was notoriously a very vicious man; and, besides his own example, had been the original introducer of all the bad company she kept, to her acquaintance."†

There was yet another consideration. As Othello's handkerchief contained a magic web of direful consequence; the fetters that bound this hapless pair had been forged of that fatal metal fabled to be the root of evil: and evil had germinated from the root. Besides her reputation, the money stake of the duchess was large in the adventure;

protest against the decision, on the general ground "that it is an inherent right of the peers of England to be summoned to parliament; and when they cannot attend in person, to be represented by their proxies."—*Lords' Protests*, v. i., p. 157.

\* *Own Time*, v. iv., p. 222, 8vo. On this part of the case, the bishops were desired to deliver their opinions with reasons. The argument of bishop Cosin, in the case of the lord Roos, "That adultery worketh a dissolution of marriage," was printed with the duke's *Case*, &c. See also *Burnet*, *ut supra*.

† Note on Burnet. *Own Time*, v. iv., p. 222. Owen gave evidence that he had several times seen Germaine at dinner and supper at the duke's house.

considerations urgent for opposing a separation, induced her to struggle for a union she valued not to retain: and Prometheus chained to the rock could not more have desired deliverance than did the duke; yet he too set a mighty value on his chains. Still avoiding the Ecclesiastical Court, he was now advised to appeal to the common law; and in May following his misadventure in the Lords, "the duke," says Luttrell, "caused Germaine to be arrested in an action of damages, about the duchess."\* The trial came on at Westminster, the 24th November, 1692. The declaration set forth that on the first of April, (day ominous of success!) in the second year of the late king James (1686), the defendant did, by unlawful means, entice away the duchess of the plaintiff, by which he had not the benefit of her society, &c.; and he laid his damages at *one hundred thousand pounds*.

"It is a very melancholy thing," said the Attorney-General, (Sir J. Somers,) "for the first duke in England, installed knight of the Garter, lord high Marshal of England, and one of the lords of his majesty's Privy Council, to be thus abused: and it was not kept secret; all the world did ring of it." This was indeed a truth; a scandal, of some years quiet endurance, the duke had himself converted into a public shame; and it is not quite clear that the public voice was in his favor; for Luttrell records that the duke was abused in the play house;† an offence against the dignity of the peerage that excited the lord Chamberlain to suspend the acting; and aroused his military superiors to require an explanation from the Captain of the Guard on duty: moreover, a wretched scribbler, inspired by the evidence produced, pandered to public curiosity by fabricating an alleged correspondence, entitled "*The Secret Letters of Amour between the duchess and Mynheer*."‡

\* Diary, v. ii., p. 439.

† Diary, December, 1691, v. ii., p. 340.

‡ Letters between Libidander and Dysmora; with this motto: *Quid*

Nineteen witnesses were examined on the trial; but more than six years had elapsed since many of the occurrences they narrated; and the statute of limitations was pleaded in answer to the wrong. "They would make it a sort of running account," said Mr. Serjeant Tremaine, for the defence; but the Chief Justice (Holt) admitted the plea; and received the evidence only to explain subsequent events. The circumstance was opportune; "I believe my lord," said Sir Thomas Powis, (Solicitor-General) for the defendant, "upon the whole matter, we cannot do the duke more honor than to acquit the defendant; for it will be more honor for the duke to have the defendant acquitted, than satisfaction to him by giving him any damages whatever." The jury took time to consider the matter; and the next morning, shearing the damage as the law had shorn the proofs of guilt, they brought in a verdict of *one hundred marks* damage, with costs of suit,—“very much to the wonder of the Court; and received a severe reprimand from the judge, for giving so small and scandalous a fine.”\*

The speculation on the purse of the fortunate gamester failed of success; but the verdict supplied a promising condition for renewed application to the legislature; and three days later, Luttrell writes: "The duke of Norfolk is bringing in a bill for divorce on the verdict lately obtained:"† while the defendant in the action, encouraged by the success of his defence and the unimportance of the verdict against him, brought a writ of error to stay further

*magis optaret Cleopatra, parentibus orta conspicuis, comiti quam placuisse Thoas?* Printed An. Dom., 1692: 12mo.

\* Howell, *State Trials*, v. xii., p. 948. The Chief Justice told the jury "he was a little surprised at the verdict, when he considered that 'twas not long since a Surrey jury gave a commoner £5000 damages in the like cause: that the sin of adultery was of so high a nature that it well deserved their consideration, especially if they had any sense of the *ability* of the person that committed the crime, and the *greatness* of the peer that sustained the damage.—*Luttrell, Diary*, v. ii., p. 625.

† *Diary*, v. ii., p. 627.

proceedings and revise the decision.\* However, on the 22nd December, the divorce bill was introduced to the House of Lords, for the second time; but it met with less success even than on the former occasion: Evelyn says, it was managed very indiscreetly.† Luttrell notes, that it was again lost because there had been no divorce in the spiritual Court.‡ Its reception certainly was not entertained with favor; for on the 2nd January, 169 $\frac{2}{3}$ , after several adjournments, on motion that the bill be *read*, it was rejected by a majority of six voices.§

Unhappy duke! He had wedded the golden casket—

— gaudy gold!

Hard food for Midas:

and, unlike Pandora's box, he found not even hope at the bottom: nay, not even the hope of riddance! His first impression appears to have been to avoid the scene of his disappointments; and to seek diversion in foreign climes. "It is said," writes Luttrell, "the duke designs to travel in Spain and Italy:"|| but the resolve was accompanied with anger and revenge; for the chronicler also tells, that "the duke has brought an action of *scan. mag.* against Canning, the printer of the book giving an account of the proceedings

\* Diary, v. ii., p. 651.

† Diary, v. ii., p. 322.

‡ Diary, v. iii., p. 4.

§ Luttrell, Diary, v. iii., p. 2. On the 22nd December, when the bill was offered to the House, the Record of the Judgment of the Court of King's Bench was ordered to be brought up; and on the 2nd January, the question was put to the lord Chief Justice Holt, "Whether the duchess of Norfolk was concerned in the action as a party?" The Judge replied: "She was neither plaintiff nor defendant; the action was between the duke of Norfolk and Mr. Germaine." Then, after debate, the counsel for the duke were asked: "Whether the lady duchess of Norfolk was ever sent to to waive her privilege?" They said they did not know that she was. The counsel for the duchess were asked: "Whether, if the duchess of Norfolk had been desired to waive her privilege, she would have done so?" They said she would. Then the question was put—Whether the bill be read; and it was resolved in the negative.—*Lords' Journals*, v. xv., p. 170.

|| Diary, v. iii., p. 4.

of the Lords' House; and he intends to take out a writ to seize the duchess, and keep her from all company."\* If the threat was not formally conveyed to the advisers of the duchess, there appears to have been something more in it than mere report; for Mr. Francis Negus, in his evidence before the Lords some years later, said he had "entertained an apprehension and fear that my lord duke would confine the duchess to some house."† More reasonable counsel prevailed on both sides. The sweet persuasive of the law of marital authority as then understood, with the reminiscence of French monastic walls and the iron grating, may have softened in some degree the obdurate heart of the duchess. On the other hand, by one of those events in nature that sometimes mingle grief and comfort, the duke, at this time, received an acquisition of good fortune‡ that, as it very much tends to qualify the ills of life, may possibly have mollified the asperity of disappointment and taken off the edge of his resentment. However, the concession was mutual; and "sometime afterwards," says the duchess, "for accommodating all differences, proposals were made to me by the duke, which, on the 28th April, 1694, were reduced to writing," and executed by the mis-allied parties. By this document, the duchess acceded to the long-desired wishes of the duke, and conveyed to his use the manor of Castle Rising;§ and, together with her trustees, assigned,

\* Diary, v. iii., p. 16.

† Howell, State Trials, v. xiii., p. 1321.

‡ In March, 1693, died the countess dowager of Portland. "Her pension of £1000 per annum falls to the Crown;" wrote Luttrell, "the rest of her estate devolves on the duke of Norfolk."—*Diary*, v. iii., p. 284. The dowager countess of Portland, great-aunt of the duke, was a daughter of Esme Stuart, duke of Richmond and Lennox, widow of Jerome Weston, second earl of Portland, who died in 1662. The dowager countess was entombed in Westminster Abbey, on Saturday, 24th March, 1693.

§ The manor of Castle Rising, which gave title to a barony in the person of the duke's father and his heirs male; and the manor of Royden, co. Norfolk, ancient possessions of the ducal Howards, derived from the Albinis, earls of Arundel, with the heiress of that family, were in consequence, sold to Thomas Howard, esq., Teller of the Exchequer, son and

also to the duke, her interest in a considerable part of the manor of Sheffield;\* receiving some other guarantees, by indentures bearing date the 18th June the same year, for the payment to her of five hundred pounds per annum.† This arrangement “for accommodating all differences” concluded; in a fit of extreme penitence, or chastened to humility somewhat by the impressions before suggested, the duchess relates, that she sent for Mr. Negus,‡ the duke’s principal gentleman; and, “deploring the misfortune of the duke and herself that such differences should have been between them, desired to let his Grace know that she would avoid all company he disliked; and would only visit where he approved.” Moreover, the duchess accompanied this submissive proposition with the comfortable assurance that, in the event of her dying before the duke, she would leave to him all her estate:§ “and I know,” said Mr. Negus, relating the facts in evidence, “that I have said so to my lord duke.”||

If the duke had memory of the past as well as ears for the present, he perhaps had little credence in the future; and there may be some of the opinion of the queen of Denmark:—

The lady doth protest too much, methinks.

Yet, if the lord Hamlet’s play of the *Mousetrap* had been upon the boards, the response would have been—

O! but she will keep her word!

And did she not keep it? Yea, though she had remembered the cue from her *rôle* of the wayward *Psecas*:—

heir of Sir Robert Howard, and grandson of the earl of Berkshire. From the Berkshire Howards, the manors passed to the House of Suffolk.—*Blomefield, Hist. Norfolk, v. ix., pp. 49, 61.*

\* Case of the duchess, 1699. † Settlement Clause of Divorce Act, 1700.

‡ Francis Negus, esq., Secretary and Seal Keeper to the Earl Marshal.—*Chamberlayne.*

§ Case of the duchess, 1699. || Howell, *State Trials, v. xiii., p. 1321.*

Well, if I did! I'll break them if I please!

Am I obliged to keep my promises?

That she did not die before his Grace, might have been the duke's misfortune—not her default. Therefore did she keep her word; for she brake it not—in respect of her estate. And as to other voluntary promises, though Sandford's contemporary editor says: "It was supposed the duchess cohabited with Germaine most part of the time during her separation from the duke;"\* there is no allegation on record that the duke had made any remonstrance or complaint of her moral conduct or of the company she kept—even to the witnesses† who conducted the interchange of communication between them. With how fair a grace then might the duchess exclaim,—this arrangement—these assurances and promising hopes notwithstanding,—“without ever signifying any dissatisfaction, and without any manner of notice or previous proceeding in the common or ordinary course of justice,—depriving her of that legal trial in the Ecclesiastical Court, which by the laws of the realm, (as advised) she is entitled to,—the duke, on the 10th February last,‡ exhibited a bill in parliament for the dissolution of his marriage with her, in the terms, and with the powers that had failed him on the two former occasions.”§ But an interval of five years had elapsed at the undefined period of time that divided the sentences of the duchess,—her promises from her complaint; and in those five years the position of the parties had undergone a material change. Not that the duchess had become more emboldened in her unlawful course; not that she had exceeded the tacit licence of her lord: not that the cause of the duke had gained weight, either in fact or evidence, popular opinion or judicial estimation; but he had acquired some additional parliamentary influence, from the loss of it

\* Genealogical History, fol. 1707.

† Mr. Robert Wellborne and Mr. Francis Negus.

‡ 1699-1700.

§ Petition to the Lords.—*Case of the duchess*, 1699.

which the duchess had unfortunately sustained by the course of nature ; and if the position of the duke had become more objectionable to himself, it might have arisen from the fact that the monied friend of his duchess had come more prominently in his way : no longer merely a fortunate plebeian,—an adventurer, with questionable claims to the regard of society,—the trespasser on his household arrangements, had purchased the rank of gentility, and acquired influence that might even beard him at the Court of his sovereign. Far different had been his former condition.

At the early period of his adventures connected with this story, Capt. Germaine (for so he was described by several of the witnesses,)\* appears to have lodged at the *Golden Ball*, in Suffolk-street, whence he removed, about the coming-in of king William, to a house in Park-street, adjoining the Royal Cockpit. Of his style of living at the latter residence, or the customs and habit of the age, a glimpse is obtained from the evidence of his next door neighbour, Jane Wadsworth, an ale-wife ; who, examined on the Divorce bill, told their lordships, that, “A little time before the king went to Ireland,† going to Mr. Germaine’s for a pint-pot, the Dutch woman who opened the door, said :

\* Peter Scriber, landlord of the house at Vauxhall ; Thomas Lloyd ; John Hall, &c. Luttrell, recording the “discovery,” (1685) calls him “one Germyn.” The duke, in his amended allegation delivered by order of the House of Lords, says : “The person charged to commit the said crime with the duchess of Norfolk is one *John Germaine*, of the parish of St. Margaret, Westminster.” (*The duke’s Charge*, 1692.) Mr. Tiernay describes him “eldest son of Sir John Germaine.”—*Hist. Arundel*, p. 551. It appears from the evidence given at the bar of the House of Lords, that Mr. John Germaine had a brother, Philip, residing at the Hague ; Daniel, a wine merchant in London ; and two sisters, Anna Maria, wife of Mr. Simon Brienne ; and Mrs. Judith Germaine (afterwards Mrs. Persode) ; both of whom appear to have resided some time with the duchess at Vauxhall. Among these relations (excepting his sister Brienne, not named), Sir John Germaine, by his will, in 1718, divided fifty thousand pounds in money.

† April, 1690.

‘There’s no pint-pot here; it is up stairs; go up and fetch it.’” *Gramercy!* that her master knew it not; or the life of that Dutch-woman had not been of the value of a pin’s fee—in the opinion of his serving man;\* for the up-stairs of that house had the sanctity of *Blue Beard’s* closet for all intruders; and it was on that unlucky mission for the pint-pot, about eleven of the clock on the morning referred to, the witness beheld, crossing the passage from one room to another, “the duchess of Norfolk, in a night-gown, one side lapped over the other side, with Flanders lace night-clothes on her head, without a hood on.”†

The accession of the Orange prince to the English throne, gave Capt. Germaine the interest of a fellow countryman at Court. It was stated in disproof of his presence in London, that he went with the king to Ireland in 1690,‡ when, in a short campaign from April to October, his majesty conquered at the Boyne, and effected much more for the settlement of his throne. But the captain returned with the king to have his head shaven and his wig dressed in the purlieu of Whitehall:§ and, however interested in the fortunes of his prince, it is to be feared, other than his fair *enamourée*, he had associates both Jacobite and jesuitical; indeed it incidentally transpired of his habits of life at this time, that he frequented the duchess of Mazarine’s,—aye, from the evening of Saturday to mid-day on Sunday,—and, when he required it, sent to his valet for more gold.|| However, in 1697, he obtained distinguished favor in the eyes of the king. The recording Herald tells, that “John Jermayne, esq., was knighted at Kensington, the 26th day of February, 1697<sup>g</sup>, and was created a baronet immediately after.—*Fee paid*,”¶ adds *Le Neve*, as though

\* Alexander Herman. † Howell, *State Trials*, v. xii., p. 918.

‡ Answer of the duchess, 1692.

§ Evidence of Alexander Herman, and Anthony Moree, the barber.—*Howell, State Trials*, v. xii., p. 915.

|| Evidence of William Baily.—*Ibid.*, v. xiii., p. 1302. ¶ Harl. MS., 5802.

to mark the man of money and liberal spirit, from the sad ensample of shabby gentility sometimes to be found on the Heraldic books, scored for the condemnation of future generations of kings at Arms, as "*refractory, and wo't pay.*" The baronetcy followed on the 25th March; but there were preliminaries; and the current of events brought into official communication two men—loose and unguarded associates in former days—who had last met in legal conflict over an alleged wrong,—the one demanding in the shape of damage, the other defending his weighty purse; and now the guilty defendant had become a supplicant, in very humble guise, for honorable distinction at the pleasure of the noble plaintiff he had so measurably wronged. The spirit of ancient chivalry defiled must have cried for revenge at the reception of an appeal to her regard in the following form:—

"To his Grace, Henry duke of Norfolk, Earl Marshal of England, &c.

"The humble Petition of John Germain, of the parish of St. Margaret, Westminster, in the county of Middlesex. Sheweth,

"That your Petitioner being desirous of bearing Arms, and humbly hopes himself qualified for it, being [*here shew the reasons of his pretensions and his qualifications*], as may appear by the annexed Certificate.\*

"Therefore your Petitioner humbly prays your Grace's order to the Kings at Arms, for the devising and granting such bearings as your lordship shall think fit to allow of.

"And your petitioner, &c.

"JOHN GERMAIN."†

Happily, it was only the "*Order*" and "*allowance*" that came directly within the official cognizance of the duke's grace, or what might not the bitterness of his fancy have devised as emblematical of the case! *Party per pale, arg. and sab., a duke and duchess addorsed, crusuly. Crest.*

\* The following is the Form of Certificate required: "We ——— and ——— do humbly certifie that John Germain, hath long lived in the county of Middlesex, and hath therein a competent estate to support a gentleman; that he hath been truly loyal the whole course of his life, &c. Witness our hands and Seals, &c."—*Chamberlayne.*

† Until custom prevailed, there was no rule for spelling surnames, even, to wit, (p. 260, l. 3 from bottom) by the Heralds, sufficiently precise in their own nomenclature. Sir John wrote himself GERMAIN.

*On a wreath or. and arg., a Dutch churle, sab. holding in hand dexter, a dice box; sinister, a knave of hearts, both ppr.* But the dignity of the duke was superior to official revenge; it devolved on the two kings at Arms, *Gar-ter* and *Clarentius*, to consider the “*qualifications*” and “*pretensions*” of the supplicant for heraldic distinction, and to symbolize the notability of his deeds. And what were they? Alas! *Beatrice* might have undertaken to eat all of his killing in the wars. He had slain no infidel, nor done battle for the faith; therefore no *crosslet* nor *crescent* might adorn his shield: no *blackamoor’s head*, *couped*, surmount his casque. Though the bloody hand of Ulster should mark his purchased elevation of rank, no *lion’s head*, *erased*, could tell his prowess in the deadly encounter; no *dolphin*, his adventures on the deep; or *salamander*, the fiery endurance of a siege.\* No, the prowess of Sir John Germaine had been at the Groom Porter’s; and their

\* Swift, referring to the storming of Namur, 1695, writes:—

To paint a hero, we inquire  
For something that will conquer fire.  
Would you describe *Turenne* or *Trump*,  
Think of a *bucket* or a *pump*.  
Are these too low? Then find a grander.  
Call my lord Cutts a *Salamander*.

Pliny’s description of the natural animal is partly confirmed by Randle Holme, who possessed “some of the *hair* or *down* of the Salamander, which,” says he, “I have several times put in the fire and made it red hot, and after taken it out, which, being cold, yet remained perfect wool or fine downy hair.”—*Academie of Armoury*, fol. 1688, p. 205. This must have been a fossil relic of the last specimen of the true breed, disinterred by the geologists; for in the words of an Irish poet, extolling his hero:—

The age of chivalry had past,  
*Like the tornado’s sweeping blast!*—

when, in the fury of the exhalation, and, wretched decadence of heroic virtue, the Salamander somehow lost its ancient power over the destroying element, and is no longer symbolical of the fiery ordeal. Practical science also had been at work, and a great discovery the miserable result. “The tradition,” says Hugh Clarke, “that a Salamander can live in and not be burned by fire, is without foundation in truth,—for the experiment has been tried!!”  
—*Introd. to Heraldry*.

majesties at Arms awarded him the *blue* table cover for the colour of his shield, *parted per cross engrailed, or.*; the golden "teeth or points which enter the field,"\* denoting perhaps the sharpness and dexterity of his play in every quarter. For a *Crest*, the Heralds devised and the Earl Marshal allowed, a *Parrot, arg. beaked or.*,† not inappropriately symbolizing the vain courtier, all silver and gold, who desired to parade his lucky fortune to the world. Had it been *langued, of the first*, to denote the "flattering engine" that, whispering soft allurements into the ear of the neglected duchess, had seduced her from her allegiance to her lord, the satire had been complete.

In 1697 died Henry earl of Peterborough, succeeded in the earldom by his nephew, Charles earl of Monmouth, the *Mordanto* of Swift's amusing triplets:—

In Senates bold, and fierce in war,  
A Land Commander and a Tar;

but his daughter, the duchess of Norfolk, was the heiress of his wealth, and of his more ancient barony.‡ The two earls had not been in community of religion or of politics; for the father of the duchess had relapsed to popery in the Jacobite interest, and had retained, at least, sympathy for the dethroned king; while his successor in the earldom had deeply engaged himself in the Orange revolution, and more than sympathized with the protestant succession. There was no sympathy between the cousins; the earl of Peterborough, who viewed the duchess as an usurper of his rights, gave his adhesion to a renewed attempt of the duke of Norfolk to pass his divorce bill through the House of Lords; and in return received passive assistance in the prosecution of his own private pique against the unfortunate duchess.

\* Clarke, *ut supra*.

† The Coat and Crest, as described, are displayed on the tomb of Sir John Germain, in the church of Luffwick (Lowick) St. Peter, co. Northampton.—*Bridges, Hist.*, v. ii., p. 248.

‡ Mordaunt of Turvey, a barony by writ, descendible to heirs general.

An additional earldom,—a bare title, though a family augmentation, came not to the earl of Monmouth with half the charm of a barony with the inheritance of many manors; and the natural vivacity of his imagination suggested the attempt to obtain by force of law, possessions he had been deprived of inheriting by the intervention of an heiress or the settlements of her father. There was, however, an obstruction in the way; the fair occupant of the envied lands was the wife of a duke, and entitled to her husband's *privilege* of exemption from the ordinary inflictions of law or equity; but the duke was pleased to be sternly just in his estimate of the equality of rights of appeal; and inasmuch “as he had *waived* his privilege in the case of an uncle not long before,\* he could not do less for his duchess;”† he therefore withdrew his marital protection, and permitted the earl of Peterborough to pursue her at law or equity to his heart's content. But the favor, however annoying to the lady, proved impotent for the earl; who, after several years litigation, and two appeals from the Court of Chancery to the House of Lords, failed in both.‡ More successful in reciprocating the compact, the earl of Peterborough introduced, and supported with his characteristic energy, the duke of Norfolk's divorce bill in its hasty and now successful progress through parliament. Other reasons, however, than those assigned, have been attributed to the earl for his conduct in this matter; and lord Dartmouth, who perhaps only regarded political events, imputes the earl's zealous promotion of the duke's bill to revenge for the behaviour of the duchess on the trial of the unfortunate Sir John Fenwick, for high treason.§ Perhaps

\* Ante, p. 233, n.

† Evidence of Francis Negus.—*Howell, State Trials*, v. xiii., p. 1322.

‡ Charles earl of Peterborough v. Lady Mary Mordaunt.—1 Anne.—*Lords' Journals*, v. xvii., p. 252. The same v. Sir John Germaine *et Ux.*—8 Anne.—*Ibid.*, v. xix., p. 79.

§ The offence of the duchess of Norfolk is related by Burnet, in a complicated history of the Court intrigues of the year 1696, when Sir John

the influences were combined; but whatever the cause, it is certain that where, on former occasions she had a natural

Fenwick had been captured; and the bill for his attainder was before parliament.

Monmouth, influenced by other views than those professed, engaged the duchess of Norfolk to represent to lady Fenwick, that "if her husband would follow his advice, he would certainly save his life." To attain an object naturally so much desired, it was proposed that Fenwick should make disclosure to the government of certain "little stories" to be supplied to him, in confirmation of statements already made by Monmouth to the king and his favorite, the earl of Portland, giving credibility to some other disclosures contained in letters of the spy, Smith. The duchess was furnished with "a short paper that contained the scheme of the design," afterwards enlarged into detail by dictation; the duchess acting as emanuensis for the earl. It so happened, however, that Fenwick would not be guided by his professed friend "to meddle with contrived disclosures:" and Monmouth, in the rage of disappointment, declared "he would get the bill to pass." And he kept his word; for "he spoke," says Burnet, "fully two hours in its favor with a peculiar vehemence." Shocked at his baseness, the lady Fenwick procured her nephew, the earl of Carlisle, to move the House, "that Sir John Fenwick be examined concerning any advice that had been sent to him with relation to his disclosures:" he disclosed the whole affair; and the House proceeded to a thorough investigation. Smith "turned out to be a very insignificant spy; always asking for money, and taking no care to deserve it." The duchess of Norfolk was also examined. Prudently wise, in her interviews with Monmouth, she had placed the gentlewoman who carried her messages to lady Fenwick, within hearing of all that passed; so that she not only produced in her own justification, "the paper of heads" in Monmouth's writing; but a witness to confirm her oral testimony. Monmouth was sent to the Tower, and turned out of all his offices; but the loss, says Burnet, was believed secretly made up to him; for the Court, remembering his services in the revolution, resolved not to lose him quite; and his release from confinement came with the end of the session of parliament.—*Hist. Own Time*, v. iv., p. 340, 8vo. The earl of Hardwick says, "Monmouth well deserved the censure, and was a thorough bad man."—*Ibid.*, n. "He deserved almost any punishment," adds Speaker Onslow; "I wonder any man of honor could keep him company after such an attempt. He was of the worst principles of any man of, perhaps, that or any other age; yet from some glittering in his character he had some admirers. He was Pope's hero."—*Ibid.*, p. 341, n.

The caution of the duchess marks her suspicion of the man; while her sympathy for the fate of the husband of the lady Mary Howard had other sources of interest. In the hastily pencilled letter of Sir John Fenwick, after his capture, intended for his lady, but intercepted at Romney, among

protector and friend, the duchess now found an enemy; for "her father, the old earl of Peterborough," says lord Dartmouth,—“who was known to be as great a blusterer, and thought to have more real courage,—kept his nephew in some awe; and would not have suffered his daughter to have been insulted by one of her own family.”\*

The public scandal so long before the world, was familiar to, perhaps generally credited by the House; and the appeal, as now prosecuted, “met with little opposition.”† On the 12th February, 1699, a petition for leave to bring in the bill was presented; and on the 16th the bill was read. A few additional witnesses‡ were examined, whose evidence, full and fatal, in the estimate of its advocates, if any evidence had been wanting, completed the case; and the duke, elated with the cheerful prospect, became plaintive on his own behalf; and “since he had so long and so often in vain endeavoured to be freed from a lady publicly famed and proved to have lived with Sir John Germaine as his wife, the duke’s former disappointment cannot but be powerful arguments for his speedy obtaining that justice which the spiritual Court cannot give him, their power reaching no further than to that liberty of living *as she list*, some years since settled by articles: but as none of less art and oratory than her counsel could have turned this into a licence to commit adultery *if she list*, or a freedom afterwards: had there not been evidence of her acting according to such construction, the duke would have hoped she had repented of the former injuries he had received from her; but now hopes she shall no longer con-

other friends to be moved in his behalf, the following passage occurs: “Let my lord Scarsdale engage *Jermaine* to engage Overkirke for me.”

\* Note on Burnet: Own Time, v. iv., p. 222.

† Lord Dartmouth, ut supra.

‡ Among them Nicholas Hosier, valet to Sir John Germaine; and Mrs. Eleanor Vaness, the Dutch woman; both represented to have been kept out of the way on the last occasion.

tinue to bear the name of his wife, and put him in danger of being succeeded by Sir John Germaine's issue, or deprive him of the expectation of leaving his honors, offices, and estate to a protestant heir."\*

On her part, the duchess complained of the sudden and violent inroad upon the peace of her innocent and quiet life; and prayed to be heard by her counsel. On the 20th February, her counsel were heard; evidence was offered to discredit the witnesses against her; and the House, to play the touchstone, ordered the attendance of Sir John Germaine: he failed to appear; and two witnesses, who were to have spoken to his presence at Drayton, were represented as not to be found.† That Sir John had been a frequent visitor at that favorite residence of the duchess,—the home of her ancestors for many generations,—there can be little doubt; but gamblers are rarely sentimental, and he left no record upon the trees. On the 8th March, the bill was read a second time, by a majority of seventeen votes;‡ nineteen peers, spiritual and temporal, of the minority,—who, though among the friends of the duchess, may perhaps escape the sweeping impeachment of bishop Burnet's scandalous censure,§—recording their dissent, for the following reasons:—

"1st. Because we conceive there was a contradiction in the evidence given at the bar, which made the validity of it suspected.

"2ndly. And because it is without precedent, that a bill of

\* The Duke's Case, with Reasons for passing his Bill. 1709.

† La Fountain, and Hugonee, who had both "declared that nothing should oblige them to betray their master's secrets, &c."—*The duke's Case, with Reasons for passing his Bill.* 1700.

‡ Contents 47; non-contents 30.—*Lords' Journals*, v. iv., p. 621.

§ Ante, p. 252. Burnet's offensive words are, that "All who favored the Jacobites, and those who were thought engaged in lewd practices, espoused the concern of the duchess with a zeal that did themselves little honor."—*Own Time*, v. iv., p. 222. As to Jacobites, the earl of Dartmouth retorts: "That the bishop lived in such constant apprehensions of a halter, that he found a Jacobite influence predominant in all transactions.—*Ibid.*, n.

this nature was ever brought into parliament, where the subject matter had not been first proceeded on in the Ecclesiastical Courts; and that it may be of dangerous consequence to the settlements of families, to subject the dissolution of marriages to so short and summary a way of proceeding.”\*

The bill passed;† but lord Dartmouth had fairly represented the sentiments of the House;‡ and the lords, in Committee, directed the addition of a clause to declare, that the duchess should be repaid the *ten thousand pounds* received with her in marriage,—on or before the 25th March following; and the money not being so repaid, that she should continue to receive, during life, the jointure and other advantages to which she was entitled under her marriage articles and other settlements mentioned.§ Luttrell adds, that on being repaid the money, the duchess was to quit her jointure “and restore a box of jewels of great value, which had belonged to the old duke of Norfolk.”||

\* Lords’ Protests, v. i., p. 194. The lords who signed the protest were:—

Burlington (a)	Weymouth (h)	Bolton (o)
Rochester (b)	Vaughan (i)	Tho. Roffen’ (p)
N. Cestriens’ (c)	Ja. Lincolne (k)	Sy. Eliensis (q)
Lempster (d)	Halifax (l)	Scarsdale (r)
Jonat. Exon’ (e)	Sussex (m)	Thanet (s)
H. London (f)	Jeffreys (n)	North and Grey (t)
Montague (g)		

† Royal assent, April 11th.—*Lords’ Journals*, v. xvi., p. 578.

‡ Ante, p. 252.

§ Act, printed in Howell’s State Trials, v. xiii., p. 1283.

|| Diary, v. iv., p. 622. Besides some diamonds of price, which the duke

(a) Charles Boyle, earl of Cork (Ireland), earl of Burlington, co. York. (b) Lawrence Hyde, second son of Edward, first earl of Clarendon, viscount Hyde of Kenilworth, earl of Rochester. (c) Nicholas Strafford. (d) Sir W. Fermor, Bart., baron Lempster, co. Hereford. (e) Sir Jonathan Trelawney, Bart. (f) Henry Compton. (g) Francis Browne, viscount Montague. (h) Sir Thomas Thynne, baron Thynne of Warminster, viscount Weymouth. (i) John Vaughan, earl of Carberry (Ireland), baron Vaughan of Emlyn, co. Caermarthen. (k) James Gardiner. (l) Sir William Savile, Bart., baron Savile of Eland, marquess of Halifax. (m) Thomas Lennard, baron Dacre, earl of Sussex. (n) Sir John Jeffreys, Bart., baron Jeffreys of Wem. (o) Charles Paulet, marquess of Winchester, duke of Bolton. (p) Thomas Sprat. (q) Symon Patrick. (r) Robert Leke, baron Deinecourt of Sutton, earl of Scarsdale. (s) Thomas Tufton, baron Clifford, earl of Thanet. (t) William North, baron North of Kirtling, and Grey of Rolleston.

Pepys, writing the day following to his nephew Jackson, says: "One thing more makes much noise here; the duke of Norfolk having obtained, at last, this session, his desired divorce from his wife, now bare lady Mary Mordaunt

possessed, (and one valued at eleven hundred pounds is mentioned in *Edward Browne's Journal*),—the box probably contained the choice antiques from the Arundel collection.

Evelyn had exhausted his indignation on the late duke, or to this period of the family history—and to other persons, might have been applied much of the invective he bestowed on the dispersion of the Arundel collection. After stating that valuable accumulation of rarities had been divided between the two sons of the celebrated collector, Henry lord Maltravers and the viscount Stafford, Walpole adds: "Of what came to the elder branch, since duke of Norfolk, the most valuable part fell into the hands of the duchess who was divorced. Wanting money, she is said to have sold the statues for £300 to the last earl of Pomfret's father; and by the countess dowager they have been given to the University of Oxford. The cameos and intaglios the duchess of Norfolk bequeathed to her second husband, Sir John Germaine. They are now in possession of his widow, the lady Elizabeth Germaine. Among them is that inimitable cameo, the marriage of Cupid and Psyche, which I should not scruple to pronounce the finest remains of antique sculpture of that kind. The coins and medals came into the possession of Thomas earl of Winchelsea, and were sold by his executors in 1696.—*Walpole, Anecdotes of Painting*, v. ii., p. 129. For this fate, some part of the collection had been preserved by an appeal of the duke to the protection of parliament against the acts of another lady of his family, the dowager duchess of Norfolk, widow of his father, the late duke. The duchess dowager had re-married with Lieut. Col. Maxwell; and in January, 1688, a petition of the duke of Norfolk to the Lords in parliament, shewed, that by an Act of the third year of Charles the First, divers statues, pictures, drawings, &c. of the petitioner's ancestors were to remain and be heir-looms annexed to the honor, &c.; and had been preserved in the family, until of late, the Col. Maxwell, under pretence and in right of his wife, Jane, duchess of Norfolk, had exposed them to sale by auction, intended to be opened this day (January 24); and the noble petitioner prayed that the sale might be stayed until he should exhibit his claim in some court of law or equity. And in regard the courts of law and equity in Westminster Hall are not now open, that the sale be stayed, and the Col. Maxwell, the lady duchess his wife, and Mawson and Walton, the auctioneers, should not sell or dispose of any of the said goods, &c.—*Lords' Journals*, v. xiv., pp. 105, 106. A dagger, designed by Holbein for Henry VIII., set with rubies and diamonds; and a fine whole length figure (in little) of bluff King Hal, carved in stone; with some other curiosities, formerly in the

again, from being the first duchess in England.”\* A barren triumph, it was nevertheless, the lady’s defeat; and it became her turn to wear off the edge of notoriety in foreign lands; “the late duchess,” writes Luttrell, “is going to France for some time;”† while the duke, “with leave to marry again,” was free to set up her vacated coronet at market, or dictate a *sine qua non* to any heiress envious of honor, or ambitious of exclusive rank. “If,” wrote Evelyn, “the duke should have children, the dukedom will go *from* the late lord Thomas’s children; papists, indeed, but very hopeful and virtuous gentlemen.”‡ The duke did not marry again: a year had passed since his long-sought wish had been attained; and how had it passed! Let the miserable result be told. The *ides* of March had come, and the duke had not yet settled with his old love: the 22nd of the month, by modern computation, had arrived; and on that day a petition was presented from his Grace to the Lords in parliament, praying *for further time to repay the ten thousand pounds*§ peremptorily due on the 25th: when, after some opposition and debate, on the 24th, a bill was ordered to be brought in for the purpose prayed:|| but, though timely, it was needless; other relief than parliamentary exemption from pressing liabilities was at hand:

Arundel collection, found their way from the possession of the lady Elizabeth Germaine to the cabinet of the lord Orford, at Strawberry Hill.—*Walpole, Anecdotes of Painting*, v. i., p. 154.

Mr. Henry Howard of Corby, is very severe on the “divorced duchess, who carried away the statues and marbles. They could scarcely,” he says, “be deemed her’s as *paraphernalia to adorn her person*! The antique gems, cameos, and intaglios, from the Arundel collection, which she also possessed, were of great value. Theobald estimated their rarity at £10,000. If they were *gifts*, her ingratitude is increased: *if otherwise, she deserves an additional name of reprobation!*”—*Family Memorials*, p. 41. No! the wedding ring forbids the *ban*; and when that plea fails, she had a *lien* for their retention.

\* Diary, v. v., p. 384.

† Diary, v. iv., p. 638.

‡ Diary, v. ii., p. 359.

§ Luttrell, Diary, v. v., p. 31.

|| Lords’ Journals, v. xvi., p. 633.

a wearied spirit, exhausted nature, or a passionate remembrance of sorrows,—

Sweet beginning but unsavoury end!—

nurtured in golden dreams and terminating in disappointment the most embarrassing, if not in self-reproach and bitter regrets, produced a sudden crisis in his fate: a week later, and domestic troubles that had endured one-third of his natural days, terminated only with his life. The duke died “of a lethargy,”\* at his house in St. James’s Square, on Wednesday morning, the 2nd April, 1701, in the forty-eighth year of his age,—“un-married” and without issue. In the distraction of his affairs he had made no will; and his kinsman, Charles earl of Carlisle, in the following year, was induced to undertake the administration of his estate for the benefit of creditors.† If by his divorce the duke escaped the disgrace he, at a late period, had expressed a fear, his hope of leaving his honors and estate to a protestant heir was not fulfilled: he was succeeded in both by his nephew, Thomas Howard, eldest son of his deceased brother, Thomas of Worksop,—a Roman catholic,—aged about eighteen years.‡

The lady Mary Mordaunt was not repaid her marriage portion; but she retained the alternative secured to her by Act of parliament; and a life interest in Norfolk House, appears to have been portion of her jointure under the settlements it confirmed; for there she made her town residence, and there she died.§

After a decent reserve of six months, in October, 1701, the baroness Mordaunt of Turvey became the lawful wife

\* Luttrell, *Diary*, v. v., p. 35. Le Neve says “suddenly—of a lethargy.”—*Topog. and Geneal.*, v. iii., p. 37. Evelyn says the duke died of “an apoplexy.”—*Diary*, v. ii., p. 365.

† *Reg. Cur. Prærog. Cantuar.* an. 1702.

‡ Luttrell.

§ The reversion of the mansion was probably sold by the administrator for the payment of debts. Thomas, duke of Norfolk, next in succession, purchased “Norfolk House, in St. James’s-square,” of the duke of Portland. See his will, 1732.—*In Reg. Cur. Prærog. Cantuar.*

of Sir John Germain, knight and baronet;\* and four years later, by nature's decree, her brief wedlock terminated, the 17th November, 1705. Beneath the east window of the north aisle of the church of Luffwick, county of Northampton, pensively reposing in white marble, on a tomb of grey, the elegant figure of a woman attracts attention to the sepulture of her remains; the inscription recording her age, forty-seven years at the time of her decease.† By her will, Sir John Germain became heir of her disposable inheritance and her wealth, to the value, says Luttrell, of seventy thousand pounds;‡ her cousin Charles, earl of Peterborough, adding to his titles the barony of Mordaunt; and in due time "his meagre corpse—

A skeleton in outward figure "

was placed with the dust of his noble ancestors, without memorial, in Turvey church.§

\* Luttrell, *Diary*, v. v., p. 99.

† Bridges, *Hist. Northamptonshire*, v. ii., p. 248.

‡ *Diary*, v. v., p. 613. Sir John Germain afterwards intermarried with the lady Elizabeth Berkeley, daughter of Charles earl of Berkeley; and dying, without issue surviving, at "his manor of Drayton," left to her all the Northamptonshire property he had derived from the lady Mary Mordaunt, his first wife; with an understanding as to a settlement to be made by her. On the north side of the lady Mordaunt's tomb, in Luffwick church, a corresponding monument,—noble devotion of his widow!—with a marble effigies of Sir John Germain in armour, records his decease, December 11th, 1718, at the age of sixty-eight years. By will, he left fifty pounds to the poor of Luffwick, and one thousand pounds to purchase an endowment of fifty pounds per annum for the perpetual maintenance of a school there; one hundred pounds to the poor of St. James's, Westminster; and two hundred pounds to the Dutch church in the Austin Friars, London. And in addition to the noble legacies to his sister and brothers, he left to "three persons in Holland, known to his brother Philip, five pounds per annum each for life, to be paid to them half-yearly."—*Ex Reg. Cur. Prærog. Cant.*

The devisee of the lady Elizabeth Germain was the lord George Sackville, third son of Lionel Cranfield, first duke of Dorset (a child two years of age at the decease of Sir John Germain), who, by act of parliament, took the name of Germaine; and was created baron Bolebroke and viscount Sackville. His grandson, Charles Sackville Germaine, in 1815, succeeded to the dukedom of Dorset.

§ Lysons, *Hist. Bedfordshire*.

## CHAPTER VI.

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'Tis much he dare;  
 And to that dauntless temper of his mind,  
 He hath a wisdom that doth guide his valour  
 To act in safety.

A stranger sits in thy father's hall,  
 Usurping thy right, I wist;  
 But a thousand spears are at thy call;  
 Hail! to thee, king of the mist!  
 Come! I will bear a lance for thee;  
 And share thy fortunes faithfully.

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## THE DUCAL LINE.—THE BROTHERS.

THE year 1701 witnessed a violent reaction of religious sentiments in the representative of the ducal House of Howard. Mr. Thomas Howard, born in 1683, was in his eighteenth year, when the honors of his noble relative fell to his inheritance. In the first instance, the impediment of youth softened a more formidable obstruction to the enjoyment of some of the attributes of the succession; and Charles earl of Carlisle, as a protestant member of the same stock, was appointed to the office of Earl Marshal "during the minority of the duke."\* The accession of queen Anne the following year, and the interesting ceremony of the coronation still found him under age; and the earl of Carlisle was re-appointed to represent the head of the family in his official services to the Crown. His minority passed, however, "the incapacity of the duke," on account

\* 12th February, 1701. Pat. 13 Will. III.—*Collins*. It seems, however, that the office was put in commission, Henry earl of Suffolk (another protestant Howard) being the other commissioner.

of his religion, interposed a barrier more enduring than non-age; affording him only the privilege of nominating a deputy to be approved by the sovereign; and he exercised his right by nominating another protestant Howard, Henry, commonly called the lord Walden,\* son and heir of the earl of Suffolk, who, in honor of the high office to which he had been approved by the queen, was created baron Chesterfield and earl of Bindon.† There had been expectations—perhaps political hopes of the partisans of the late duke—that the youthful heir would have conformed to the policy of the State, and fulfilled the expressed wishes of his late uncle, to be succeeded by a protestant heir. “’Tis said,” wrote Luttrell, “the young duke of Norfolk is inclinable to turn protestant:”‡ but the legal disqualification that attended the observance of the Romish faith, and had induced several of his ancestors to conform to the reformed doctrine of the times in which they lived, had no influence on the son of Thomas of Worksope. A parent identified with a standard of faith and loyalty now repugnant to the law of the land, had been his early model, and his convictions remained with the teaching of his youth. In his 22nd year, Thomas duke of Norfolk returned from his travels to kiss her majesty’s hand;§ and receive from another power the nominal appointment of chief of a faction opposed to the political and religious maintenance of her throne. As in other times, “zealous sticklers for the church of England” were opposed, and at this season successfully opposed, by a party, the members whereof, “though they bore an unfeigned affection for the established religion, yet retained a christian compassion and tenderness for those that did dissent from it.” The antagonism was the old

\* 1706. Thursday, Aug. 22.—*Luttrell*. The earl of Suffolk, on account of age and infirmity, resigning in favor of his son.—*Poynter*.

† Patent dated Dec. 13, 1706. He became earl of Suffolk and Bindon on the decease of his father, Henry, fifth earl of Suffolk, in 1709.

‡ *Diary*, v. v., p. 72.

§ *Luttrell, Diary*, v. v., p. 557.

dispute of conformity and toleration, with other interests involved;\* and in the balance of parties, the severity formerly considered necessary to the discouragement or suppression of a proselyting faith, and the establishment of a protestant throne, had become moderated by time to a sufferance that was not only endurable but encouraging; and the same "intolerable boldness and presumption of the Romish priests and papists,"—the same employment of "inveigling arts and devices in perverting and seducing the gentry and commonalty, not only secretly, but openly and publicly, in defiance of the laws," as in more recent times has been the subject of observation and complaint, then formed the material of appeal to the parliament and to the throne. "Their priests are numerous; their masses frequent; their people go affectedly in troops; they marry without licence or publication; they visit protestants when sick or dying in order to pervert them; they throw out ill language against the church and government; and spread false reports and scandalous reflexions upon the orthodox clergy: they have built a stately edifice, which, (as the petitioners had good reason to believe,) is intended for a seminary; and several lands have been settled for the endowment of that and other places. The popish gentry are assistant to their priests in their perversions; and to insinuate themselves into protestant families, catch at all opportunities to marry amongst them, whereby they have proselyted many of the gentry."†

The attainment of his legal age of manhood by a duke of Norfolk of the Romish faith, was a circumstance not

\* In the debate on the *Occasional Conformity Bill*, a peer "eminently conspicuous for his parts, and his affection to the protestant succession, did not stick to say, that 'if they passed this bill, they had as good *tack the prince of Wales to it*.'"—*Annals of Queen Anne*, v. ii., p. 189.

† Petition of the lord bishop of Chester [Nicholas Strafford] and the gentry and clergy of the south part of Lancashire, 1703.—*Annals of Q. Anne*, v. iv., p. 225.

without importance to the cause; and at the earliest period that his voice could have action or weight, "as chief among the Roman catholics in England," he appears to have been recognised as the head and heart of an obnoxious faith and a dormant faction. It was not, however, without some personal interest that the duke came forward publicly to oppose a measure before parliament, entitled "*A Bill for the further preventing the growth of Popery.*" By an act of the eleventh year of William the Third, bearing a similar title, it had been provided, that all papists should, within six months after they had reached the age of eighteen years, take the oath of allegiance and supremacy, or declare themselves protestants; in default whereof their estates should go to their next heirs being protestants. This regulation in fact, to a reserved extent, adapted for the people in security of the throne, the same principle the people in parliament had established in respect of the succession to and forfeiture of the regal power; but the enacting clause proposed to be amended, had been so "lamely expressed," that the papists had found several means of evading it. First, there being in all families a gradation of age among the several heirs to the same estate, it happened that although the person that arrived at the age of eighteen did not take the oath prescribed, yet the title of the protestant heir remained undecided so long as any next popish heir was under age. Secondly, (and here was the main inconvenience)—by the clause as it stood, it lay upon the next heir to him who, at the age of eighteen refused to declare himself a protestant, to prove that such a declaration had *not* been made;—imposing the proof of a negative that operated as a safeguard for the popish heir. By the bill now introduced, it was proposed, therefore, to amend such "lame clause" in the statute of William the Third, and to enact "that all papists or reputed papists should, within six months after they had attained the age of eighteen years, take the oath of allegiance and supremacy; or

declare themselves protestants *and prove* that they had made the declaration required."

On the report of the "Grand Committee" on the bill being brought into the House,\* a petition from the duke of Norfolk was presented, "praying that he might be heard by his counsel for explanation of some words in the said bill, and for such relief to him as to the House should seem meet:" and the petition being read, the Commons ordered that the duke should be heard by his counsel, but as to his property in the office of Earl Marshal only,† The order was sudden; the duke was unprepared on the instant to defend his exceptional case: the bill was ordered to be engrossed for a third reading; and the opportunity was lost for an unnecessary display of Romish advocacy; for on a division the bill was rejected by a large majority;‡ the

\* March 2nd, 1705-6.

† *Annals of Queen Anne*, v. iv., p. 225. See also Luttrell, *Diary*, v. iv., p. 22. A few months before (November 10), Luttrell wrote: "The duke of Norfolk, hereditary Earl Marshal of England, *refusing to qualify himself for the office*, 'tis said, 't will be settled upon the earl of Carlisle, who held it during his Grace's minority."—*Ibid.*, v. v., p. 610. On the 22nd August, however, after the rejection of the bill, "being a papist, he appointed the lord Walden to execute the office, and her majesty approved of the same."—*Ibid.*, v. vi., p. 78.

‡ The bill was read the third time on the 4th March; but on the question, "That this bill do now pass," the votes were: Ayes 43, Nays 119. In perusing the debates of that period, it cannot fail of observation how apposite to the circumstances of our own day were the speeches and arguments on topics that then agitated the public mind: and deprecating the cry of the "*Church being in danger*," the bishop of Bath and Wells (Dr. George Hooper), "complained of the terms *High Church* and *Low Church*," attributed to members of the protestant episcopacy, as "an invidious distinction, tending to set us at enmity; that by *High Church*, people were made to believe a man inclined to popery, or at least, one that endeavoured to carry church power beyond our constitution; which he thought was a great injustice to the gentlemen who bore that character, who meant nothing more than to keep up the just dignity and discipline of the church. Neither did he believe that the others, called the *Low Church*, had any designs of lowering or levelling it with Presbytery, as was on the other hand maliciously suggested."—*Annals of Queen Anne*, v. iv., p. 209. In conclusion,

wisdom of the nation virtually declaring that the growth of popery was not to be restrained by penal laws.

Steady as the duke was in the maintenance of his own religious faith, and zealous for its interests, he did not commit one offence charged against his influential brethren of the same church: he did not seek by a matrimonial alliance without its pale to obtain a proselyte to his creed; nor did he extend his views beyond the friends of the abdicated monarchy. In the year 1708, "It is said," writes Luttrell, "a marriage is concluded between the duke of Norfolk and the marquess of Powys' eldest daughter,—her fortune about fifty thousand pounds."\* The associations, political and religious, were strongly marked; the amount of fortune may perhaps be questioned: but rumour, with her many tongues, proved false on the balance;—Cupid, in a moment of caprice, cast a feather in the scale, and, without sacrificing any of the conditions named, the duke, a few months later, united himself for the length of his days with the heiress of an old northern house, firm in the ancient faith and loyalty,—Mary, only daughter of Sir

the *growth of Popery* bill was not only lost; but a majority of 61 to 30 concurred with the bishop, that the church was not in danger.

\* *Diary*, v. vi., p. 350. William Herbert, marquess of Powys, was son of that zealous and outlawed Jacobite of the same name, who died at St. Germain, in 1696, and the lady Elizabeth Somerset, daughter of Edward marquess of Worcester (*Vide ante*, p. 52). He married Mary, daughter and coheir of Sir Thomas Preston, of Furness, co. Lancaster, Bart., by whom he had six daughters. Wise in his generation, whatever his private convictions, and amid connections the most adverse to the authority of the reigning power, the marquess of Powys preserved his name, honor, and dignity, and died in his bed. His family had persevered in their loyalty until it became treason; and its alliances were distinguished for the same obstinate regard for legitimate right. One of his sisters, the lady Frances, was wife of Kenneth Mackenzie, son of the earl of Seaforth, who, with 3000 followers, participated in the Scottish rising, under the earl of Mar, in 1715; and the lady Winefred, wedded to William Maxwell, earl of Nithsdale, is honored in story for her heroic devotion in effecting her lord's escape from the tower of London, the following year.

Nicholas Sherburne, of Stonyhurst,\* in the county of Lancaster, baronet: "her present fortune," writes Luttrell, "is upwards of thirty thousand pounds."† No progeny, however, blessed the union; and the duke dying at his house in St. James's Square, December 23rd, 1732,‡ his brother Edward, with whose history his own is intimately interwoven, became his heir.

Mr. Edward Howard at this time had also united himself in marriage with a family that betokened sympathy with the outcast Stuarts; and some years earlier in his history, had carried his enthusiasm for the Jacobite cause, to the height not only of constructive, but of actual war against the sovereign power. Buckling on his material armour to that of his faith, Mr. Edward Howard had been induced, in the year 1715, to join "that rash mock army of unhappy gentlemen"‡ who took up arms for the "Pretender,"—a revolt so disastrous to the Ratcliffes of Derwentwater and other families of note. With many, however, rashness was the alternative of suspected men, already committed to the cause; for whose apprehension warrants were reported already to have arrived in the north: and

\* Sir Richard Sherburne, knighted by queen Elizabeth for his bravery at the battle of Leith, had his "priest and chapel" at Stonyhurst by licence from the protestant queen. Sir Nicholas Sherburne, created baronet by James the Second, in 1686, died in 1717, leaving an only child surviving, Maria Winfreda Francesca, who married Thomas duke of Norfolk. At her decease, in 1754, the Sherburne estates passed to the heirs of her aunt, Elizabeth Sherburne, who married Mr. William Weld, of Lullworth; and Stonyhurst, the magnificent seat of the Sherburnes, in 1794, became the noble refuge of a Society of English catholics expelled by the French revolutionists from Liege.

† Diary, v. vi., p. 446. The marriage was celebrated on Monday, 9th May, 1709.—*Ibid.*, p. 439.

‡ In 1734 the duchess dowager re-married with Peregrine Widdrington, esq., brother of the lord Widdrington, both of whom had been active in the cause of the *Chevalier* in years ago; and becoming again a widow in 1748, herself deceased September 24th, 1754.

§ Thoughts, Essays and Maxims. By Charles Howard of Greystoke, esq., 1768.

there were extenuating circumstances for most of them, if it had been current among the party that treason to the nation in favor of "hereditary right" and the "divine law of primogeniture" lurked even in the bosom of the throne, with an authority and example that understood the succession only as an inheritance or the result of family arrangement.

"It is now past doubt," observes Mr. Charles Howard, "that queen Anne had a very serious intention of having her brother upon the throne of England after her death,\* and several circumstances, as well as the time of the landing of the duke of Marlborough in England,† make many

\* "Whatever there was of truth," wrote the earl of Mar, "in the *Chevalier's* sister's inclination towards him, whilst she was in possession of his throne, what I am well assured of is, that he was at last so little satisfied with what was said to him from thence, that he was fully resolved, whilst she was yet alive, to have gone into Scotland, and had prepared a declaration or manifesto to have been there published on his arrival. How he was hindered from putting this design in execution by some real friends that were themselves imposed upon by other pretended friends, who were at the bottom real enemies, is a mystery which time may discover."—*The Earl of Mar's Journal*. Perhaps no one better than the earl himself could at any time have discovered the mystery.

† After the treaty of Utrecht, when the duke fell into disgrace and was removed from the command of the army and other public employments, he found it convenient to retire into France; "so many arts having been used to render him obnoxious, and to involve him in anything that looked like a design against the government." The duke embarked at Dover, on Sunday, November 30th, 1712; and "it was confidently reported that his Grace was denied the favor of paying his personal duty to the queen before he left England."—*Annals of Q. Anne*. Her majesty died at Kensington on the morning of Sunday, the 1st August, 1714, and the duke of Marlborough landed in England on the same or the following day,—too late, in every sense, for the interest of the queen's design. But her majesty's "very serious intention," or her favor to the cause of the revolt, seems to be confirmed by a statement of the rev. Robert Patten, chaplain to the rebel General; who observes, that "whatever pretences the party had made to cover their secret practices, and whatever measures they had taken to carry on their designs ..... Heaven disappointed all their clandestine arrangements, by the sudden and unexpected death of the queen, and especially of the late king of France, on whose open and avowed engagements

people believe he was gained over by the Stuart party; and if the duke of Berwick\* was directly or indirectly the means of gaining over his uncle to that interest, he more effectually served it than that rash mock army of unhappy gentlemen who were taken prisoners at Preston, had it in their power to do."† But inasmuch as the expected support of the duke was not verified by the event, the unhappy gentlemen pledged to the cause had the melancholy excuse of having been deceived; as some of them declared they had been;‡ and not only so, but they had also the honor

of support they entirely depended."—*Personal Narrative*. It was not, therefore, without a knowledge of the undercurrent of public affairs, that the poet wrote:—

To save her country *twice* she try'd;  
First she fought, and then she died.

If it had been part of the queen's design that Marlborough should secure the interest of the army in the cause of her proposed successor, it was perhaps an item of the plot, that Capt. John Hunter, of North Tyne, co. Northumberland, who commanded the third troop of the English rebel force, held a commission from her majesty,—granted to him towards the latter end of her reign,—to raise an independent company. The first use he made of his commission was to enlist men for the purpose of the rebellion.—*Ibid.*

\* Henry Fitz-James, duke of Berwick, was a natural son of James duke of York, (afterwards James the Second) by Arabella Churchill, one of the Maids of Honor to the duchess, and sister of John Churchill, afterwards duke of Marlborough. On the abdication of the king, his father, the duke retired with him to France, entered the French service, and attained the rank of Marshal of France. From the Journal of the earl of Mar, it appears the duke was expected to take the command in Scotland in 1715: his son, the earl of Tinmouth, did attend the *chevalier* in his brief campaign; and made his escape to France some time after his chief had effected a safe retreat. The duke lost his life in the French service, by a cannon shot, before Phillipsburg, in the year 1734.

† Thoughts, Essays and Maxims; by Charles Howard of Greystoke, esq. 1768.

‡ Perhaps all were deceived; for "From the time the earl of Mar set up the *Chevalier's* standard to this day," wrote the earl from Paris, when all was over, "we never received from abroad the least supply of arms and ammunition of any kind; though it was notorious in itself, and well known, both to friends and enemies, that this was what from the beginning we mainly wanted."—*Earl of Mar's Journal*.

of having been true to their engagement, howsoever unwise and rash it may subsequently have appeared, and in the sequel proved; indeed, it is admitted by a participator in the events, that the secret plot having failed, and king George peaceably established on the throne, the Stuart party "had then no way left but to fly to the last resort of desperate men, and, taking arms, break out in open rebellion."\*

How far the ducal Howards, as leading members of the popish party, and unquestionably deeply implicated in the cause of their "legitimate sovereign," may, at this time have escaped suspicion, it does not appear that they had been objects of any active solicitude, or of those precautionary measures of restraint in other cases adopted by the government; nevertheless, the heir presumptive of that noble house was undeniably "out" with the rebel forces, and was one of the unfortunate gentlemen of England who surrendered at discretion to the government General sent to suppress the insurrection.

Reviewing the course of these sad events, "the grand design," observes a writer before quoted, "having been laid in London, where the measures were principally concerted some time before the insurrection actually broke out, the Pretender was first proclaimed, and his standard set up by the earl of Mar,† at the small market town of Kirk-Michael, in Perthshire, on the 9th September, 1715.

The first step towards the gentlemen of the English border appearing in arms, was towards the end of the same month, when the earl of Derwentwater‡ received intimation

\* Patten, Personal Narrative.

† If any one of the parties concerned in the rebellion earned for himself the title of traitor, it was the earl of Mar; who (having been Secretary of State for Scotland to the deceased queen) not only signed the document issued by the Privy Council, proclaiming the accession of George the First to the Throne; but afterwards wrote a letter to his majesty full of devotion to his service and zeal for the interest of his throne.

‡ Although the earl of Derwentwater appeared in arms and surrendered

that a warrant had been issued by the Secretary of State for his apprehension, and that messengers had actually arrived at Durham for that purpose. A meeting of the parties concerned in Northumberland thereupon took place; when, consulting all the circumstances of their friends, and the interest they had embarked in; since there was no longer any safety in shifting from place to place; that in a few days they would probably all be secured in several prisons, and be separately examined, so that no one could say what the other should answer; and in the fear of betraying one another, they might really be brought to do so, it was resolved, that they should immediately appear in arms.

On the morning of the 6th October, they met accordingly at the appointed *rendezvous*,—a place called Greene-rig; in number about twenty. As a measure of precaution on the part of the government (under a general order in Council), the earl of Derwentwater's horses had been seized several weeks before, and were then in the custody of a neighbouring Justice of the peace; but it does not appear that there was any difficulty in recovering possession of them when they were required;\* and the earl joined the

with his friends, he was rather the nominal than the actual leader of the revolt: and beyond local interest, and the tradition of his house, the influence of his name, and the ruin of himself and family, may perhaps be referred to his connection in blood with the proscribed royal family; with whom he was known to have kept up a friendly correspondence,—suspicious if innocent; though doubtless he was guilty of good will to their cause; and was driven by force of circumstances into rebellion in aid of their right. To the charge of treason, the earl pleaded *guilty*; and on the scaffold, said: "I never owed any other but king James the Third for my rightful and lawful sovereign; him I had an inclination to serve from my infancy, and was moved thereto by a *natural love I had for his person*."

Sir Francis Ratcliffe of Dilston, co. Northumberland, was indebted to James the Second for his advancement to the peerage; and his unfortunate grandson, James, third earl of Derwentwater, who closed the line of peers by a traitor's fate, was eldest son of Francis, second earl, and Mary Tudor, natural daughter of Charles the Second by Mrs. Mary Davis.

\* The Justice was Mr. Coatsforth, reputed "a most rigid whig;" and the

assembly at the appointed time from his seat at Dilston,\* with some friends, and his servants mounted on his coach horses, all well armed. In passing through Corbridge, the party drew their swords; and this appears to have been the first public demonstration of a warlike design. At Beaufront, the seat of Sir Thomas Errington,† himself and friends joined the cavalcade; and the total number attending the first council of war, held on the top of a hill at the Waterfalls, amounted to about sixty horse, mostly gentlemen and their attendants.

From the Waterfalls they marched to a place called Plainfield, on the river Coquet, where they were joined by others, and halted for the night at the small market town of Rothbury. On the next day, the 7th October, their number still increasing, they rode on to Warkworth, a market town on the sea coast; and on Sunday, the 9th

earl being asked how he obtained his horses from such stout possession; replied with "a saying of *Oliver Cromwell's*, 'That he could gain his ends in any place with an ass-load of gold.'"—*Patten*.

\* On the east side of the "Devilswater," which makes its way to the Tyne, at the foot of the Cross-fells, adjacent to the old tower of Develistone, the stronghold of a family of that name long extinct, in the year 1616, Francis Ratcliffe, esq. erected Dilston (or De'ilston) Hall. In 1652, Sir Francis Ratcliffe (advanced to a baronetcy), for services rendered to his king was declared a delinquent, whose estates were forfeited, and directed to be sold by act of the Commonwealth (*Scobell*). But a more signal ruin attended the attachment of his noble descendant to the cause of the fallen Stuarts; and the old tower of Develistone has survived the modern Hall; of which alone remains the little chapel, covering the graves of the human ruins of his house.

† The Heryngtons of Beaufront Tower belong to the early history of the county of Northumberland. In the contest between the first Charles and his parliament, the Erringtons rallied for the king. Three of them, Nicholas Errington of Pont Island, Lancelot Errington of East Denton, and Henry Errington of Beaufront, being delinquents included in the statute of 1652, whose estates were to be sold (*Scobell*). In reviewing the history of the rebellion of 1715, few circumstances are more remarkable than to find members of the same northern families, which had been so great sufferers for their loyalty little more than half a century before, again in arms for the desperate cause of the same royal house.

October, their chaplain, Mr. Buxton, celebrated divine service in the parish church, offering up prayers for the "Pretender, as king, and in the Litany for Mary, queen mother, and all the dutiful branches of the royal family;" the sermon, full of exhortations to be hearty and zealous in the cause, giving mighty satisfaction to the congregation. Mr. Forster,\* who now stiled himself General, in disguise, then proclaimed the Pretender king of Great Britain, to the sound of trumpet, and with all the formality that circumstances would admit. This was the first place on the English side of the border where the Pretender was so avowedly prayed for, and proclaimed king of these realms.

On Monday, the 10th October, the party marched to Morpeth, where they mustered "three hundred strong, all horse; for they would not entertain any foot, else their number would have been very large; but as they neither had nor could procure arms for all their mounted attendants, they gave the common people good words, and assurances that they would soon be provided with arms and ammunition. This assurance was built on the hope of surprising Newcastle; and the failure to secure the interest of that town was the first disappointment; as the miscarriage, about the same time, of two vessels that appeared off the coast with arms and officers, proved the second, and perhaps a difficulty irretrievable.

Disappointed of Newcastle, the heterogeneous cavalcade turned aside to Hexham, where the first intelligence was received of General Carpenter with the king's troops being

\* Mr. Thomas Forster, jun. of Etherston, a protestant, and member of parliament for the county of Northumberland. Mr. Forster had taken refuge at the house of Mr. Fenwick, of Bywell, when a government messenger, with a warrant for his apprehension, arrived in the neighbourhood, and sought the assistance of a constable. The delay, and immediate information, gave a lead in the chase of half an hour to the refugee; who, with his followers, arrived first at the *rendezvous*; and the messenger did not overtake the General until they met at Barnet,—the latter pinioned and led by a trooper, on his way to London, a prisoner.—*Patten*.

in the neighbourhood, and preparing to attack them. At the same moment news arrived of a Scottish force having entered the county in their cause; whereupon, accepting an invitation to join it, on Wednesday, the 19th October, the English gentlemen made a forced march through Rothbury, and meeting the viscount Kenmure,\* with two hundred mounted followers, they joined his flag;† and the next day entered Wooler; whence, crossing the Tweed, they proceeded to Kelso to unite with a Highland force commanded by the earl of Wintoun,‡ advancing from Dunse.

\* William Gordon, viscount Kenmure, "a grave full-aged gentleman; of considerable knowledge and political experience, but a stranger to military affairs," was son of Alexander, fifth viscount Kenmure, who followed king James into exile, and died at St. Germain, in 1696. William Gordon married Mary Dalziel, sister of Robert earl of Carnwath, who commanded the fourth Scottish troop in the same ill-fated enterprise, and was attainted for his share in the rebellion. The viscount Kenmure, who had the command in Scotland of the detached force designed to cross the border, "a post for which he was wholly unqualified by his singular good temper and the mildness of his disposition," was Colonel of the first troop (gentlemen volunteers), the command of which he deputed to the hon. Basil Hamilton of Beldoun, nephew of the duke of Hamilton, a young gentleman who displayed much bravery when the time arrived.

The viscount Kenmure (who was attended to the scaffold by his youthful heir) suffered with the earl of Derwentwater, on Tower-hill, February 24th, 1716; and met his fate with great firmness. His lady, who survived him upwards of sixty years, immediately after her husband's decapitation, hastened alone into Scotland, in time to secure the family papers. With the assistance of friends she purchased the estate when offered for sale; and by her excellent management was enabled to present it to her son unencumbered, on his coming of age. This estimable lady survived till the year 1776.

† This celebrated banner, reputed the handy work of the viscountess Kenmure, was of blue silk, with the arms of Scotland embroidered in gold; on the reverse side, a thistle, with the Scottish motto, *Nemo me impune lacessit*; and beneath, the words "NO UNION." Two pendants of white ribbon bore inscriptions; one, "*For our wronged King and oppressed Country*;" the other, "*For our Lives and Liberties*."

‡ George Seton was "a young gentleman in his 25th year, a zealous protestant, but subject to a foolish caprice natural to his family," observes a contemporary, when, in the year 1703, he abandoned the life of a wanderer and returned to Scotland to succeed his father in the earldom of Wintoun, and an estate which, when forfeited, was found to produce £3393 per

At Kelso, where they arrived on Saturday, the 2nd October, the demonstration was great: the Pretender was proclaimed in the market place, with colours flying, drums beating, trumpets and bagpipes braying out in triumph of the valiant pledge to maintain the cause espoused; after which, amid loud acclamations. of the people, was read the "*Manifesto of the noblemen, gentlemen, and others, who dutifully appear at this time in asserting the undoubted right of their lawful sovereign, James the Eighth, by the grace of God, king of Scotland, England, France and Ireland, defender of the Faith, &c.; and for relieving this his ancient kingdom from the oppressions and grievances it lies under.*"\*

It was this manifesto of the earl of Mar, eminently Scottish in its grievances and its heraldry, that the gentlemen of the English border, with very questionable taste, had marched to Kelso to hear read to them, and subscribe to; but mutual forbearance was necessary to cement materials so incongruous; and on Sunday, the 23rd October, Mr. Patten was directed by the lord Kenmure to preach at the great kirk of Kelso, in place of the Episcopal Meeting House; where all the lords that were protestants, with a vast number of papists, attended to grace the cause, "approving very well our liturgy;" while the common Highlanders "answered the responses according to the rubric, to the shame of many that had pretensions to more polite

annum. The earl of Wintoun displayed much courage, and a far seeing capacity for military tactics; so that had his advice been followed, the struggle probably had been long, if not the event doubtful, for the throne. The earl of Wintoun died at Rome, unmarried, in 1749, aged upwards of seventy years; and with him ended the old house of Seton, of noble standing in north Britain for upwards of six centuries.

\* "The traiterous and foolish manifesto of the Scots rebels" was "examined and exposed paragraph by paragraph," in a publication of the same year. *London*, 8vo., 1715. The grievances of the people, as expressed by their cries, after hearing it read, at Kelso, were "*No Union! No Malt! No Salt-Tax!*"—*Patten*.

breeding." The sermon preached by Mr. Patten, from *Deut. xxi.*, 17, the latter part of the verse, *The right of the first born is his* ; gave great satisfaction, and furnished the only bond of union in the assembly. It must, indeed, have been deemed a righteous cause to produce unanimity so remarkable in elements so conflicting.

Nevertheless, councils were divided, and a delay of five days in determining future proceedings, gave time for the government General to concentrate his small force, and to rest his troops, which had arrived by hasty marches from London. The earl of Wintoun and the Highlanders entertained forebodings of destruction, and objected to cross the border ; while the English gentlemen naturally had their hopes in their own counties. Ultimately the counsels of the latter unfortunately prevailed ; and five troops of Scottish horse, six regiments of foot, besides gentlemen volunteers, consented to join the five troops of English borderers\* and cross the Tweed ; numbering in the whole about one thousand four hundred men.

General Carpenter, with about five hundred men, had halted at Wooler, in order to the attack on Kelso the next day, when the council of war of the rebel commander (contrary to the advice of the earl of Wintoun) determined to avoid battle : and on Thursday, the 27th October, diverging to the right, the united force, under the command of the viscount Kenmure, took the road by Jedburgh and Hawick to Langholme by hasty marches, in order to outstrip the king's troops in a race for England. Here they spiked and left behind some small pieces of cannon brought from Kelso,—hastening on to Langtoun, within seven miles of

\* These were composed as follow : Troop 1, the earl of Derwentwater's, commanded by his brother, Charles Ratcliffe, esq., and Capt. John Shaftoe. Troop 2, Lord Widdrington's, commanded by Mr. Thomas Errington, of Beaufront. Troop 3, commanded by Capt. John Hunter, of North Tyne, co. Northumberland. Troop 4, commanded by Robert Douglas, brother to the laird of Finland, in Scotland. Troop 5, commanded by Capt. Nicholas Wogan, an Irishman, of Welch descent.

Carlisle; and the next day, after a fatiguing march of upwards of one hundred miles in five days, over a rough country, halted at Brampton, a small market town, the second within the English border; where the Pretender was proclaimed, the public money taken up; and Mr. Forster, superseding lord Kenmure, opened his commission to act as General in England.\*

One night's rest to refresh the men, and the sight of English soil, gave satisfaction to one portion of the force; but the Highlanders, who still entertained presentiments of evil, it was found necessary, from this time, to give six-pence per day per man, in order to keep them in good order and under command. They proved, indeed, a very essential part of the force; for, from the time they joined, they always had the guard and the post of danger.

On the following day the force advanced towards Penrith, where it had been represented that the gentlemen of the adjoining counties, with their attendants, to the number of twenty thousand men, would rally to the Jacobite standard; but disappointment supplanted hope and expectation: Mr. Dacre, of Abbey Lanercost,† who had promised

\* This appears to have been a commission from the earl of Mar; lord Kenmure, who had the command in Scotland, being now named "Brigadier of the Horse." Notwithstanding that the papists were the mainstay of the cause, a protestant leader, although not a military man, was considered necessary to conciliate and give confidence to that section of its adherents. "If the command," observes Mr. Patten, "had been given to either of the two lords, their character, as papists, would have discouraged many of the people, and been *improved against the design in general*."

† Descended, with a *bend sinister*, from the "Dacres of the North." Mr. Thomas Dacre obtained from king Henry VIII. a grant of the dissolved priory of Lanercost for an augmentation; was knighted for his services or his possessions; and founded a family, which terminated in the male line in the person of James Dacre, esq., the sound papist, but faint rebel, who disappointed his friends on the occasion mentioned. He did not long survive; and having no issue, left his estate to a nephew, son of his half sister, Dorothy, who took the name of Dacre: but it was decided that, in the terms of the grant, the Abbey lands, for want of male heirs, reverted to the Crown; and they were granted by a lease to the protestant earl of Carlisle.

to join with forty men, "was taken with a fortunate fever, that hindered him of his design, and saved his family from ruin;" and Mr. Henry Curwen, of Workington Hall, of an ancient family and plentiful estate in the county, taken with a prudence less equivocal, "secured himself" from his friends in the castle of Carlisle; while Mr. Warwick of Warwick Hall,\* "a papist, converted to that church some years ago;" Mr. Howard of Corby Castle,† Mr. James Graham of Inchbracho,‡ a Scottish gentleman related to the lord Nairne;§ with all the other papists on that side of the country, by the foresight of the sheriff,|| had been timely secured in the same fortress. To these discouragements was superadded the report, that the active sheriff

\* Of a very old family in the county. Mr. John Warwick of Warwick Hall, married Mary, daughter of Francis Howard of Corby. He died in 1720. His son, Francis Warwick, of Warwick Hall, married a daughter of Thomas Howard, of Corby, and was the last of his family.

† Thomas Howard of Corby, esq., in 1705, married Barbara, one of the sisters of Henry viscount Lonsdale; by whom he had a daughter, Jane, wife of Francis Warwick of Warwick Hall, esq. He died in 1740.

‡ By Mr. Patten's description, the suspected rebel was Mr. *Patrick* Graham, the younger, of Inchbracho, who, in 1691, having slain the son of the lord Rollo, was brought to trial, five years later, for the offence, and "fugitated for the murder of umquhile John master of Rollo."—*Douglas, Peerage of Scotland*, v. ii., p. 398.

§ Lord William Murray, brother of John, duke of Athol, married Margaret, heiress of Robert, first lord Nairne, by Margaret, daughter of Patrick Graham of Inchbracho, and became second baron Nairne, *jure uxoris*. Lord Nairne commanded a regiment of his own men, and gave signal proofs of his bravery. He surrendered at Preston; pleaded guilty on his trial with the other rebel lords, and was sentenced to die; but obtained a pardon, though his title became forfeited. His eldest son (the Master of Nairne), taken prisoner at the same time, was also spared,—to take part in the rising of 1745; and a younger son, Robert, was slain in the same cause, on the field of Culloden.

|| Humphrey Senhouse of Netherhall, esq., Justice of the Peace for the county. His monument in Crosby church records his attachment to the church of England and the House of Brunswick, in the extraordinary circumstances that occurred in the year of his shrievalty.—*Hutchinson, Hist. Cumb.*, v. ii., p. 269.

had raised the county; and that the viscount Lonsdale and the bishop of Carlisle,\* with the *posse comitatus*, to the number of fourteen thousand men, had resolved to stand and oppose the rebels penetrating further into England. The first part of the report, observes Mr. Patten, proved true enough; the *posse* had been drawn together, nor was the number much less than stated; but they gave the rebel army little trouble; for on the advanced guard emerging from a wood-side lane, and forming on the open ground, the ill-armed and undisciplined rabble broke up their encampment in the utmost confusion, each one shifting for himself as best he could. Some horses and a great quantity of arms became the easy spoil of the invaders; and the viscount Lonsdale that night retired to Appleby Castle, ten miles distant from the rebel quarters. In the language of a celebrated "waterfly" of the Court of Denmark: "This young nobleman was reported," observes Mr. Patten, "to have been endowed with very valuable and endearing accomplishments, and no small share of courage;—though some were pleased to reflect on his retreat from Penrith."†

On the 3rd November the rebel forces entered Appleby, where the parson and his curate did not scruple to grace the assembly at church, and join in the prayers for the

\* William Nicholson, translated to Derry, in Ireland, 1718. Mr. Patten, formerly curate of the parish, and acquainted with the country, was sent forward with a party of horse to intercept the bishop in his retreat to Rose Castle. He describes the right reverend diocesan to have been not only a man of learning, but "of courage, and a brave soul;" so that "had a contest ensued, it was not doubted he would have been found in the hottest part of the dispute."

† Personal Narrative. Henry Lowther, third viscount Lonsdale, was a very young man, when loyal enthusiasm rather than prudence, induced him to place himself at the head of so large a body of men, wholly deficient of organization to withstand any shock of disciplined battle. Richard, second viscount Lonsdale, died of small pox, at the age of twenty-one, in the year 1713, and was succeeded by his brother, Henry, above mentioned. He died, unmarried, in 1751, when the title of baron Lowther and viscount Lonsdale became extinct.

Pretender; which encouraged the Highlanders to believe the high church party were entirely in their interest, and would join them in a little time; though, instead of increasing, their number daily diminished by the defection of many who were ill-satisfied with the prospect before them. On the 5th November they entered Kendal; and on the following day, Sunday, made a short march to Kirby Lonsdale, where the Pretender was proclaimed as usual, and service performed in the church; though the parson of the parish avoided the duty by absconding. Accompanying the force was "one Mr. Gwin, who went into the churches on the way, and scratching out the name of his majesty king George, replaced it with that of the Pretender so nearly in resemblance of the print, that the alteration could scarcely be perceived."

In their progress thus far, through two populous counties, two gentlemen were all who joined the rebel forces; and they quitted Westmoreland not without feelings of disappointment. On the 7th November they entered Lancaster, where some new arms were found at the Custom-House; together with some claret and a good quantity of brandy, which was all "given to the Highlanders to oblige them." Here also they took up the public money; and six pieces of cannon which fell into their hands were mounted on new carriages, Sir Henry Hoghton's coaches being dismounted for the wheels. Colonel Charteris\* and

\* Francis Charteris, esq., "of infamous memory," who had recently purchased the castle and honor of Hornby. The same night a party of horse, under the command of Colonel Oxburgh, was detached to wait upon Colonel Charteris at Hornby Hall, a few miles distant; but not finding the gallant gentleman at home, they refreshed themselves with "a few bottles of wine and strong beer; and demanded of one who had the charge of the house, how much he did insist on for what the men and horses had consumed: the man brought in a bill of £3 6s. 8d., for which Colonel Oxburgh gave his note, *payable when his majesty's concerns were settled.*"—Patten. This little incident was mentioned in answer to complaints made by the gallant Colonel, of the great losses he had sustained for his king and country "in order to ingratiate himself with the government."—*Ibid.*

another officer, who was then in the town, proposed—not to make a stand against the enemy, but—to blow up the bridge at the entrance: the towns-people, however, dissented from the military policy as a wanton destruction; seeing that it would in nowise create an effectual obstruction, as the river was fordable for horse and foot at low water, and boats were to be had. These two gentlemen, therefore, limited their tactics to collecting the gunpowder in the hands of merchants, that might have been useful for fighting, and placing it in the draw-well in the market place. Nevertheless, this place, observes Mr. Patten, if the rebels had thought fit to have held it, might easily have been made strong enough for a good defence; but a fatality had attended all their councils, and insatiation now took the lead of better judgment, misguided probably by intelligence that the Pretender had been proclaimed at Manchester, where the inhabitants had provided arms for fifty men at their sole charge, besides other volunteers. To this favorable news it must be added, that they were here joined by a good many of the neighbouring gentry; though, to the dismay of the Scottish portion of the force, they were mostly papists.\* However, the accession of numbers animated the Highlanders, who had frequently prognosticated that they would soon be surrounded with an overwhelming force of the enemy; and, seeing that they had now advanced too far to retrace their steps, they

\* An exception occurs in the case of Mr. Muncaster, a gentleman “of very good sense and natural parts, brought up an attorney.” He joined the rebel force at Garstang; was taken prisoner at Preston, and hanged. He died, says Mr. Patten, “very penitent, and acknowledged king George for his only lawful sovereign.” His dying speech will be found in the *Polit. State of Great Brit.*, v. xii., p. 171. If such had been his sentiments, having nothing in common with the papists, why, it might be asked, as a man of sense, was he found in the army of the Pretender? The reply will shew how opposite were the views of men, who supposed themselves united in a common and a desperate cause. “The blazed rumour,” adds Patten, “of the church being in danger, hastened him to the fatal tree.”

plucked up their hearts at the flickering prospect before them, gave three cheers, and marched onward—to destruction: Sir Henry Hoghton,\* with six hundred militia, retiring before them.

Having now received what addition of force they could expect in that part of the country, they proceeded towards Preston, designing to possess themselves of Warrington bridge, and the town of Manchester where their hopes greatly lay; and by that means made no doubt of securing the important town of Liverpool. With that design the regiments of horse were pushed forward, and reached Preston the same night, November the 9th; two troops of Stanhope's dragoons quartered there, retiring at their approach. This encouraged the rebels exceedingly; inducing them to believe the king's forces would not look them in the face. The day proving rainy and the ways deep, the foot had halted at Garstang; but coming up next morning, Thursday, the 10th November, they were marched directly to the market place; where, at the Cross, the Pretender was proclaimed with the usual ceremonies. Here they were joined by many gentlemen, with their tenants and servants, —some of very good figure in the county; but still all papists.† It was once resolved to march out of Preston the following day; but that order was countermanded, and the next day, Saturday, appointed for the advance. Fatal delay!

*Sed fugit interea, fugit irreparabile tempus!*

On Saturday morning, the 12th November, when the force

\* Of Hoghton Tower, and Walton Hall, bart.; for many years member of parliament for Preston, and an active magistrate for the county. He died in 1768, at the age of 89 years.

† Among them was Francis Anderton of Lostock, esq., who is reported to have said that he lost a good estate, of two thousand pounds a year, for being with the rebels one day. On his trial, being indicted as a baronet, he pleaded a misnomer, his elder brother, Sir Lawrence Anderton, being a Romish priest, living abroad. He was found guilty and received sentence; but his life was spared.

was in full preparation to march on Manchester, General Forster was "exceedingly surprised and could scarcely credit the report," that General Willes was advancing from Wigan to attack him, and was then near at hand! Nor was the report much sooner received by the rebel commander than confirmed by himself; for, advancing with a party of horse to reconnoitre, he very soon discovered the van-guard of the enemy's dragoons. The General surprised? "It has often been asked," observes a witness of the scene, "how he came to be so utterly void of intelligence at that time, as to be ignorant of the approach of the king's forces until they came within sight of Preston and were ready to fall upon him?" The reply denotes a fatality it will be difficult to surmount. "In all the marches," says the same writer, "Mr. Forster spared neither pains nor cost to become acquainted with General Carpenter's motions, of which he had constant and particular accounts every day, sometimes twice a day; *but*—the Lancashire gentlemen gave him such assurances that no force could come nearer than forty miles without their being able to inform him of it, that—*he relied entirely* on the intelligence he *expected* from them!"\*

The alarm being given, a body of one hundred of Macintosh's Highlanders, under the command of Lieut. Colonel John Farquharson, of Invercauld,† marched out to hold the Ribble bridge; a duty which this brave officer would have performed at all hazards, had he not been recalled, on a determination to confine the resistance to a defence of

\* Patten, Personal Narrative.

† After his humble service to Brigadier *Metosh*, lord Nairne, lord Charles Murray, and *Metosh*; not forgetting *Kinackin*; "I hope *Inercall*," wrote the earl of Mar to the viscount Kenmure; "and all my men with him, are well, . . . . and long to be at 'em; . . . . all success attend you, and may we soon have a *merry meeting* . . . . From the Camp, at Perth, October 21, 1715." The letter came to hand at Brampton, the 1st November. Twelve days later, on the 13th, the "*merry meetings*," both at Preston and Sheriff-Muir, were decisive.

the town itself. Thus a most commanding position, which had proved a stout obstacle and nearly fatal to Cromwell and his forces *lang syne*,—where a formidable resistance might easily have been made,—was abandoned for the futile attempt to defend an open town! With this object, however, barricades were thrown up in the streets, and the force was divided into small parties to defend the lane-ends. The gentlemen-volunteers, under the command of the earls of Derwentwater, Wintoun, Nithsdale, and the viscount Kenmure, were drawn up in the Church-yard, an elevated position in the High-street. One of the barricades was formed a little below the church, defended by brigadier Macintosh\* and a strong party of his brave Scottish clansmen; the gentlemen in the church-yard being the reserve in support.

A second barrier, at the end of a lane leading to the fields, was defended by a Scottish regiment under the command of lord Charles Murray.† The third barricade, called the windmill, was defended by Col. Macintosh;‡ and the fourth, in the street leading towards Liverpool, was under the command of Major Miller and Capt. Douglas.§ Be-

\* William Macintosh, chief of the Clan, descended from the old Thaness of Fife. The laird of Macintosh entered Kelso at the head of a battalion of six hundred and fifty men (thirteen companies of fifty men in each), marching under the heraldic *chat féroce*, with the motto, *Touch not the cat without your gloves*. A great number of the clansmen, however, refused to cross the border, and left their chief at Langholme.

† A younger son of John duke of Athol. He commanded the fifth Scottish regiment, with the master of Nairne (lord Nairne's son) for his Lieutenant Colonel. He was tried at Preston, as a deserter, holding his majesty's commission; and sentenced to be shot. But his life was spared on account of his youth and the services of his father. An elder brother, William marquess of Tullibardine, was attainted for the same rebellion.

‡ John Macintosh, brother of the Brigadier, in command of the sixth Scottish regiment. "He is," says Mr. Patten, "a handsome brave young gentleman, of very considerable interest in his own country."—*Pers. Nar.*

§ Officers of the earl of Strathmore's Scottish regiment of foot; a small portion of which only crossed the Forth; the remainder, with the earl and his Lieutenant Colonel, Walkinshaw, of Barrowfield, being intercepted by

ween these defences were divided the six pieces of ordnance brought from Lancaster; but they were of little service for want of engineers; and a seaman, who volunteered to work those at the first barricade, lacking judgment or flushed with ale, levelling one of his pieces to make havoc with Preston's foot regiment advancing to the attack, brought down the top of a chimney at the first shot! It was at this barrier, below the church, that the king's troops made their first attack; but so fierce was their reception; so brisk the fire from behind the barricade and from the houses on either side of the street, that they were forced to retreat.

The second attack was made on the barrier defended by lord Charles Murray; who being much pressed, fifty of the gentlemen volunteers from the church-yard, marched down to his support; and in good season; so that the second attack was repulsed with loss.

The third attack, at the windmill on the Lancaster road, defended by Col. Macintosh and about three hundred men, stood firm till night-fall; and the following day dawned with the rebels still holding their posts; although the defence had not been effectual to prevent some of the soldiers of the attacking force from creeping into the town by undefended bye-ways, and possessing themselves of houses in the rear of the barricades; whence an incessant, if not a very destructive fire was kept up on both sides. To dislodge the enemy in the rear, houses and barns were set on fire; and had a wind sprung up, the town would most probably have been reduced to ashes. Thus passed the night of Saturday, Sunday, and a good part of that night also; during which time many were killed and wounded on both sides; the street fighting having extended to the night by means of an injudicious order of the government General to illuminate the windows of all the houses in possession of his men. But the chief object of General Willes evidently

the king's men of war, and obliged to land on the isle of May. The earl of Strathmore was slain at Sheriff-Muir.

had been to keep the rebels in play within the town until reinforcements could be obtained effectually to surround it. This was accomplished by the arrival of General Carpenter, who, by forced marches, reached Clithero on Saturday evening, and appeared before Preston between nine and ten of the clock on Sunday morning, the 13th November. It was then that the besieged heard from the prisoners that every disposition had been made to prevent their escape; and that nothing remained for them but to capitulate for life. Hitherto the grand outlet by Fishergate-street on the Liverpool road had been open for retreat; but though some escaped that way,\* the besieged generally "had no such good measure in their heads."† The Highlanders, with traditionary valour, proposed to sally out on the king's troops, and die like men of honor with swords in their hands; but they were over-ruled, and a capitulation was agreed to without their consent, "by some in command who flattered themselves with obtaining good terms from the king's General:" that officer, however, declined to treat with rebels, and would listen to no other terms than to surrender at discretion. "About two of the clock on Sunday, the 13th," said General Willes, "Mr. Forster sent out one Mr. Oxburgh,‡ an Irishman, offering to lay down their

\* A party of six or seven, above the common sort, who afterwards attempted flight, were cut to pieces; and in the pocket of one of them, Cornet Shuttleworth, was found the Pretender's standard, of green taffety, with a buff coloured silk fringe round it. The device a *Pelican feeding her young*; and this motto: *Tantum valet Amor Regis et Patriæ*.—*Compl. Hist. of the late Rebellion*. 8vo. London, 1716.

† A popish priest, named Lyttleton, by an Irish hypothesis, made his escape by not running away. "Having a good deal of the Jesuit about him," says Mr. Patten, "he took care of his own tabernacle by a well contrived disguise. Putting on a blue apron, he went behind an apothecary's counter, and passed himself off as an assistant in compounding the drugs."—*Personal Narrative*.

‡ Colonel Henry Oxburgh, of an Irish catholic family of good estate. He had held a commission in the army of the late king James; and was hanged at Tyburn.

arms and submit themselves, and hoped to be recommended to the king's mercy." "I replied," continued the General, "that I would not treat with rebels; that if they laid down their arms and submitted prisoners at discretion, I would prevent the soldiers cutting them to pieces until I received further orders; and that I would give them an hour to consider of it." But further time being asked for negotiation among themselves, in order to reconcile parties within the town, the earl of Derwentwater and Col. Macintosh were taken as hostages, on the part of their followers, to observe the truce; though the latter declared "that he would not answer for the Scots surrendering on the terms offered, for they were a people of desperate fortunes; that he had been a soldier himself, and knew what it was to surrender at discretion."\* Doubtless the common soldiers saw their only resource in their valour and in its result, whatever that might be; and were deceived to the last as to the terms agreed on; for it was represented to them that "General Willes had sent to offer honorable terms to them if they would lay down their arms;" yet so averse were they to any terms of surrender, that a poor drummer, who had come into the town with Colonel Cotton to receive the reply of the rebel general, and was sent to beat a *chamade* for a cessation of arms, was shot dead upon his horse while beating his drum; and Mr. Patten observes, that Colonel Oxburgh, who pretended acquaintance with some of the king's officers, and went out to negotiate the terms, "had never seen Tyburn if his design had been known." Indeed the General himself, suspected of treason to his followers, "would certainly have been cut to pieces had he appeared in the streets; and had actually been killed in his chamber

\* "Go back to your people," said the General to Col. Macintosh, "I will attack the town, and I will not spare one man of you." Macintosh went back; but returned with a message that the lord Kenmure and the rest of the noblemen, *with his brother*, would surrender with the English." — *Evidence of General Willes.* The *chat féroce* had been trapped.

by Mr. Murray, had not I," says Patten, "struck up the pistol with my hand, so that the bullet went through the wainscoat into the wall of the room."\*

And now, when the hour of battle was over and the season for reflection had come, there was time to cast about for reasons, to canvass doubts and fears, hopes and expectations; consequences and their cause. "The Scots gentlemen and Highlanders," observes Mr. Patten, "expected all the high church party to have joined them. But that party, with their '*High Church* and *Ormond*,' never right hearty in the cause until they are mellow over the bottle, can only be depended on at the tavern: a night on the pillow, and the fumes of their valour have evaporated. Personal danger is not in their vocabulary, and they hide their heads."† Oh! Mr. Patten, the ghost of "poor Muncas-

\* Personal Narrative.

† There was little spontaneous combustion, even in Scotland; and it may be questioned whether many of *the people* were really hearty in the cause which was esteemed essentially their own. The earl of Mar had the greatest difficulty to rouse his vassals to action, even on their feudal allegiance. "Jocke," wrote the earl to John Forbes, of Invererat, his bailiff of Kildrummy, "Ye was in the right not to come with the 100 men ye sent up to night, when I expected four times that number. It is a pretty thing, when all the highlands of Scotland are now rising upon their king and country's account, that my men should be only refractory. I have used gentle means too long, so I shall be forced to put other orders I have in execution. Let my tenants in Kildrummy know that if they come not forth with their best arms, that I will send a party immediately to burn what they shall miss from taking from them. And they may believe this not only a threat, but by all that's sacred I'll put it in execution, let my loss be what it will, that it may be as *an example to others*. You may tell the gentlemen that I'll expect them in their best accoutrements, on horseback, and no excuse to be accepted of. Invercauld, Sept. 9, at night, 1715."

If the battle of Sheriff Muir was gained by the valour of the king's troops under Argyle, it was possibly lost by the failure of the chiefs of clans, who, with their followers, attended on the field, in virtue of their feudal obligation, but remained inactive in the fight. Of this number, "a noted gentleman in former times for bravery, resolution and courage, one Robert Roy Macgregor, *alias* Campbell, when called upon to assist his friends, replied, '*If they cannot conquer without me they shall not do it with me.*'"

ter," hovering round the gallows, swears you to the truth of your assertion. An honorable exception! Calling the General to the charge, he adds: "I have heard Mr. Forster say, he was blustered into this business by such people as these; but for the time to come he would never again believe a drunken Tory." Yet his last hopes were in a Tory mob; for "he told me," adds Patten, "that he had assurances from a gentleman at Highgate, that he should be rescued:"\* but he was again deceived; and though "unexpelled the House of Commons,"† he found himself in Newgate, "mortified, and his stomach spoiled, when he understood that Gordon, Carr, and Dorrel‡ had been executed the day before; and that their quarters were then in a box just by, ready to be set upon the gates."§

Lord Derwentwater, of a different religious faith, yet bore testimony to a similar incitement. Turning to a gentleman in company, "You see," said he, "what we have brought ourselves to by giving credit to our neighbour Tories . . . . If you outlive misfortune, and return to live in the north, I desire you never to be seen to converse with such rogues in disguise, that promised to join us, and animated us to rise with them."

"As to matters of conduct," the non-militants, with the unhappy results before them, became the critics of the fighting men. "Mr. Forster, though he was called General, always consulted Colonel Oxburgh, who had obtained great reputation abroad;" but now, when the day was lost, it had

\* Personal Narrative. "Where are all your high church tories?" said one of the Highlanders to the country people who came to view the prisoners, as the escort passed over a heath, "If they would not fight with us, why do they not come and rescue us?"—*Patten*.

† The motion for his expulsion was made the 10th January, when the minister announced to the House that the honorable member had been committed to Newgate.—*Comm. Journ.*, v. xviii., p. 336.

‡ Capt. John Gordon, Capt. William Kerr, and John Dorrel, also a military man; all in the army of queen Anne; "Oxford conspirators," executed at Tyburn.

§ Personal Narrative.

been discovered that he was "better at his beads and prayers, than at his business of a soldier; and more calculated for a priest than a field officer." My lord Widdrington, of a great historic name, and much esteemed in his neighbourhood; though never seen at a barricade or at any post of danger; handier with the soup-ladle than the sword,\* and "as unfit for command as the other;" yet he too "had great prevalency over the General's easy temper;" and took upon himself to criticise the defence made by others. "Brigadier," said my lord, to the valiant defender of the first barricade, "the reason why I did not expose myself as I ought to have done, was owing to my indisposition from the gout. But you, who was at the head of your men, why did you not defend the bridge over Ribble?"

"My lord, it was not maintainable, because the river was fordable in several places.

"Then why did you not make your barrier at the extreme end of the town?"

"My lord, at the extreme end of the town there were so many lanes and avenues, that to defend them would have required more men than I had.

"Then why did you not sally out with you men? Or, why did you not obey Mr. Forster, who would have had the horse to sally out?"

"My lord, if the foot had sallied out, they would have been cut off; and as for obeying Mr. Forster in letting the horse sally out, if they had attempted any such thing, they must have passed through the fire of my men, who believed the horse had a design to make a retreat and leave them pent up in the town." Yet, for not obeying this order, the General himself had roundly told the Brigadier, "that he would have him tried by a court martial if he out-lived the service of that day, and if ever his king came." The latter

\* A gentleman of his troop was heard to say, "He was vexed to be under the command of an officer who could not travel without strong soup in a bottle."—*Patten*.

circumstance did not occur; but both survived the chances of the day; and while the valiant *chat féroce* held the post of danger throughout a winter's night, the General had sufficient confidence in the sleepless sentinel to seek his own repose. A Scotch prisoner, penning his Journal in the Marshalsea, tells, that "At the hottest time of our little action—about eleven o'clock of the night of Saturday, when the lord Charles Murray was falling short of ammunition, Robertson of Guy and another gentleman were sent to the General for a recruit. When they obtained access, they found him in bed, undressed, with a sack posset and some confections beside him!"\*

But amid these scenes of recrimination and imbecility, there were philosophers in the camp. "Cousin Jack," said Will. Shaftoe of Bavington,† to mad Jack Hall of Otterbourne,‡ "I am thinking on what is told us, '*That God will visit the sins of the fathers unto the third and fourth generation.*' I am of opinion it is so with us; for your grandfather and mine got most of their estates as sequestrators, and now we must lose them again for being rebels."§

At six of the clock on the morning of Monday, the 14th November, his majesty's forces marched into the town by several ways, with colours flying, drums and trumpets sounding, to the market place, where the Highlanders were drawn up, and laid down their arms after the lords and gentlemen had first surrendered themselves at the Mitre Tavern.|| The defence, obstinate while it lasted, had not personal bravery been an aggravation of their crime, must

\* Polit. State of Great Brit., v. xi., p. 166.

† Formerly Justice of the Peace for the county of Northumberland. His son, and two other relatives of his name were also in the rebellion. Capt. Shaftoe was shot at Preston.

‡ He was hanged at Tyburn.

§ Patten.—*Personal Narrative*.

|| For the better preventing escapes, they were ordered to several places of confinement, under guard. The lords, in the most commodious houses or Inns; the Scots officers and gentry, in three parties, at the *Mitre*, the *White Bull*, and the *Windmill*.—Patten.

have elicited applause.\* The loss on the part of the rebels, who were mostly under cover, is represented to have been only seventeen killed, and twenty-five wounded. The loss to his majesty's forces was estimated to have been upwards of two hundred, beside officers;† indeed General Willes, on the trial of the earl of Wintoun, admitted a loss of sixty or seventy men killed, and about one hundred and thirty wounded.

The number of English noblemen and gentlemen who surrendered to General Willes, was seventy-five, with eighty-three servants or followers, and three hundred and five private soldiers. The Scots, officers and vassals, numbered one thousand and five.

This miserable result was the crowning misadventure of thirty-nine days open rebellion on the part of a few incapable leaders and their more numerous dupes. The poor Highlanders, who fought in clanship for their chiefs and sixpence a day, with a valour that coveted and deserved a better fate, received little mercy;‡ several officers who

\* A lame man, who had charge of the gunpowder, which he carried under him from one post to another, was told that they wanted powder at Macintosh's barrier; but that if he went he would certainly be shot. He replied, "I know I cannot avoid that; but if I do not take it quite up to them, I will take it as far as I can." He set forward, and both himself and his horse were killed.—*Patten*.

† The lord Forrester (who himself received two or three wounds) said, sixty or seventy of the regiment he commanded were killed or wounded in his attack; about thirty of whom were shot dead on the spot. The return shews 31 killed and 82 wounded. Major Preston of the same regiment died of his wounds in the hands of the enemy; and considering the small force, the casualties among the officers generally were very numerous.

‡ They were thrust into the church, under guard, where they tore away the baize lining of the pews to cover themselves from the extreme inclemency of the weather, until such time as they could be drafted to more secure confinement; their food being a scanty supply of meal furnished by the compulsory contributions of the inhabitants of the town. From Preston they were removed to Lancaster, Liverpool and Chester, in order to their trials; and such was the severity of their treatment, that forty-three died

held his majesty's commission, had a drum-head trial, and were shot on the spot:\* stern example was also made at the county assizes of many local celebrities, whose names, unknown beyond the circle of their own little world, had no favorable voice audible at Court;† but the principal leaders and the gentlemen volunteers of note were sent prisoners to London. Among the gentlemen of the neighbouring counties, who accompanied the king's troops to display their loyalty, and were at head quarters without the town, perhaps to look after the interest of their friends within it, was the earl of Carlisle; who, with several others, took his hasty departure with General Carpenter, after the town had surrendered and the prisoners were secured beyond relief on the spot; though it did subsequently transpire as a little episode of the trials that followed, that one Thomas Walmesley, servant at the Anchor, in Preston, had been asked by Howard and Standish, "if he could not show them a bye way out of the town; but he said he could

in Lancaster Castle. After sufficient example had been made at the assizes, they were recommended to "petition his majesty to be transported;" and between seven and eight hundred were shipped to "several Colonies in the West Indies; but being generally of the common sort, makes it very little necessary to mention them further."—*A faithful Register of the late Rebellion*. 8vo., 1718. When, under the advice of the earl of Wintoun, the Highlanders hesitated to cross the border, he had assured them that if they went for England, they would all be cut to pieces, or taken and sold for slaves; "one part of which," says Mr. Patten, "has proved too true."—*Personal Narrative*.

\* Four met this fate: Major Nairne; Capt. Lockart, brother to Mr. Lockart, of Carnwath; Ensign Erskine; and Capt. Shaftoe. Ensign Dalziel, brother of lord Carnwath, was reprieved, on the plea (though it was not proved) that he had "given his commission into the hands of a relative" before he entered the rebel service.—*Patten*. The lord Charles Murray was also "respired till further orders from above."—*Polit. State of Great Brit.*, v. x., p. 593.

† Forty-seven were hanged; and some heads set up. Gallows-hill marks the spot of the executions at Preston; where, a few years since, some trunkless heads were disinterred. The head of Mr. Richard Shuttleworth, a Roman catholic gentleman of estate in the neighbourhood, "as a warning to the town," was placed on the Town-hall.

not, troops being posted everywhere.”\* Hence it was, perhaps, that Mr. Standish, of Standish (a connection by marriage, of the Howard family), and Mr. Edward Howard, found themselves in the metropolis with other their compatriots in affliction; and were committed to prison on the charge of high treason.

This was rather the recurrence of an untoward event familiar to its annals, than a new phase in the history of the Howards; and might have resulted in consequences the most unpleasant, had juries been unanimous,† jailors immaculate, or the king merciless. Mr. Howard, after examination, was duly committed for trial: on the 11th June, 1716, he pleaded “Not guilty” to the indictment; and on the 10th July, took his trial in the Court of Exchequer at Westminster, when the evidence produced not being of a character to convict him of the serious crime charged to an active extent, he was, by consequence, acquitted. Had he been found guilty, it is probable his life would not

\* Walmsley was an evidence for the Crown; and William Dale, a servant of Mr. Townley, of Townley, was indicted for a misdemeanor in attempting to tamper with the witness; and “without saying a word in his defence,” was found guilty.—*Polit. State of Great Brit.*, v. xii., p. 89. The matter is not very clear; and Dale’s silence has much the appearance of collusive submission to save his friends.

† On the 13th May, 1716, Richard Townley, of Townley, was acquitted at the Marshalsea, while his servants taken with him in arms, were hanged in Lancashire. On the 16th July, Ralph Standish, of Standish, was found guilty and condemned to death; but afterwards “removed to the custody of a messenger for a pardon.” Charles Widdrington, Thomas Errington, and Peregrine Widdrington (*aide-de-camp* to General Forster), pleaded guilty, and were all likewise removed to the custody of messengers “in order for a pardon.” Edward and James Swinburne (brothers of Sir William Swinburne, of Capheaton, bart., who died in the custody of a government messenger), stricken with remorse, one of them died in Newgate, and the other fell into “a pensive melancholy,” from which, however, he happily recovered on obtaining his liberation. On the 7th July, Edward Tildesley, of the Lodge, a Lancashire papist, was acquitted by a jury at the Marshalsea, though it was proved he commanded a troop, and entered Preston at the head of it, with his sword drawn. *But his sword had a silver handle!*—*Patten*.

have been endangered; or his escape difficult in the event of the king's mercy not being extended to him,—if an opinion may be formed from the many who, both before and after conviction and receiving sentence of death, effected their enlargement by stealth or connivance.\*

Mr. Henry Howard of Corby, however, relates, on the

\* These were numerous. The escape of the earl of Nithsdale from the Tower, on the eve of his appointed execution, has been particularly described by the elegant pen of his devoted lady, who planned and effected the bold design, in a letter to her husband's sister, the countess of Traquair (*Trans. of the Soc. of Antiq. of Scotland*). Mr. Patten adds, that the earl escaped in a "woman's cloak and hood, which since are called *Nithsdales*." On the following day, (Feb. 24th, 1716), the earl of Derwentwater and the lord Kenmure underwent their sentence of decapitation on Tower-hill; and on the escape of the earl of Nithsdale being reported to the king, his majesty quietly replied: "It was the best thing a man in his condition could have done."—*Polit. State of Great Brit.*, v. xi., p. 243. A pleasing contrast to the personal brutality the king afterwards displayed to the affectionate wife who had outwitted him at the game of heads. The countess of Nithsdale was too prudent to compromise others by laying stress on the use of her purse; but it is not improbable the sword of her fortunate lord was silver mounted; for in 1735, there died one "Mr. Adam Mason, worth *thirty thousand pounds*, formerly a warder in the Tower; but turned out of his employment with two others, in 1716, after the escape of the rebel lords."—*Hist. Reg.*

A few months later, George Seton, earl of Wintoun, also made his escape out of the Tower, August 4th, 1716, after sentence of decapitation had been passed on him. A wig and some disguise figure in the warder's apology; and the earl's ingenuity, by means for which his experience had prepared him, is also mentioned. "This nobleman," says Mr. Patten, "who commanded the Highlanders, diverted himself and his company on the march, with many pleasant stories of his foreign travels, and his living unknown and obscurely with a blacksmith in France, whom he served some years as a bellows-blower and under servant, till he received intelligence of the death of his father, when he resolved to return home. He was very curious and proficient in several handicraft matters,—as witness the nice way he found to cut asunder one of the iron bars in his window in the Tower, by an instrument scarcely perceptible."—*Personal Narrative*.

Among those who escaped from other places of confinement was Capt. Hunter, of North Tyne, who commanded the third troop of the English rebel force, and at Preston was opposed to the lord Forrester's brigade, which suffered so severely. He escaped from Chester Castle, together with Capt. Robert Douglas, brother of the laird of Finland. Mr. Roger Salkeld,

authority of Mr. Charles Howard of Greystoke, that the unlucky captive was not himself so hopeful; the *secret*

of Whitehill, Cumberland, and Mr. John Talbot, of Cartington, co. Northumberland, also escaped from the same place.

May 4, Brigadier Macintosh, Major John Macintosh, Capt. Charles Wogan (*aide-de-camp* to the General), Robert Hepburn, James Talbot, and John Tasker, escaped out of Newgate. June 3, Capt. Macintosh and David M'Queen, paymaster, escaped out of Newgate. Sept. 16, Ensign Rumsey escaped from the same place; and on the same day Mr. Maxwell, related to the earl of Nithsdale, escaped out of the Marshalsea.

Charles Ratcliffe, brother of the earl of Derwentwater, (who commanded the earl's troop,) after condemnation, but when, it is said, his life was in no danger, made his escape from Newgate, to meet less merciful treatment in after years; for being captured (with a grandson of the lord Nairne) on board the *Esperance*, on his way to Scotland to join the revival of 1745, he was executed for high treason on his former conviction. But the most remarkable, perhaps, was the escape of the General himself, on Tuesday, the 10th April, a few days before that appointed for his trial. The particulars are detailed in the trial of Pitts, the keeper of the prison, charged with mis-demeanor for the escape of his prisoner; and prefigure a state of discipline that Capt. Macheath and his familiars brought to a climax.

Mr. Thomas Forster, for some time after his committal to Newgate, "had been confined in a chamber in the press-yard;" but for some reason not explained,—perhaps for greater security,—"had been removed to a strong room in the keeper's house;" as also had Mr. Anderton, of Lostock, to another apartment similarly secure. Now, it happened, one evening, that Mr. Forster,—(who was still allowed to take exercise in the press-yard)—hearing footsteps on the stairs, opened his door. It was the foot-fall of his neighbour, Anderton, who entered, and accepted an invitation to take a glass, until such time as they were to be locked up for the night. Pitts, the keeper, found them over a flask of wine, when it was something more than half gone. Mr. Forster then retired (as Pitts thought) up stairs to the closet; but he thought wrong; and after a little while, "his heart misgiving him," he went up for to see; and, to his great surprise, the General—was not there! Hastening below, his misgivings gave place to increased suspicion, when he found "the fall of the latch deadened with a piece of list; a peg in the kitchen door; and his servant confined therein." It then became manifest that some trick had been played; and it appeared, on inquiry, that Mr. Forster's man being below, had "asked for some small beer," and whilst the servant was drawing it—(his thirst being suddenly overcome in the mean time),—he waited not for it; but forthwith "fixed the peg, and secured him." The General and his man then departed, the former "leaving his night-gown upon the steps." Pitts called lustily for his able assistant, who, like Sterne's caged starling, replied, "I can't get

something that gave him so *great uneasiness* and made him *pensive* while his friends were defending the barricades,\* perhaps continued to weigh heavily on his heart; and he requested his brother, in the event of his conviction, "to let him be executed," so that his attainder might not affect the family honors, which had been restored only about half a century. If the anecdote be true, the tender solicitude of Mr. Edward Howard for the family honors is remarkable; seeing that his attainder could not have affected his brother's title, nor any other person than himself: for though he stood in the relationship of heir presumptive, he was unmarried; and the duke, little older than himself, as yet issueless, was not without the possibility of an heir. Independently, however, of any such considerations, the head of the noble house of Howard, perhaps knew his power, at a juncture that he estimated might yet prove troublesome to the reigning dynasty; and, proceeding to Court, represented to the king, "that if his brother should

out;" and espieing the peg, the keeper's misgiving heart at once gave utterance to its confirmed grief,—“I am undone! Forster is gone!” Demanding the key of the released tapster, there was found another—a false one—on the other side; and the door double-locked!

The following is the description of the General, as it was forthwith advertised, with one thousand pounds reward for his re-capture: “He is of middle stature, inclining to be fat, well shaped, except that he stoops in the shoulders, fair complexioned, his mouth wide, his nose pretty large, his eyes grey, speaks the northern dialect, and about thirty-five years of age.”

The General and his servant, Thomas Lee, were far away before the imprisoned keeper obtained release: and on the very satisfactory explanation he had given to the jury, Pitts was *acquitted*.

The “high church Tories” had the reputation of “contriving” the escape; for among them there were many who were afraid the General would “squeak, and make some concerned in contributions and underhand assistance be brought to justice;” indeed “it was not without good reason suspected that a certain knight who played the skulker, would have gone out of the world without his head.”—*Patten*. Mr. Forster, with an act of attainder unrepealed, did not return to his native land. He died at Boulogne, in October, 1738.

\* Evidence of the Rev. Robert Patten, *infra*, p. 311.

not be proceeded against *hostilely*, he would *acquiesce in the new order of things*; and not engage in any steps against the Hanover family!"\* If the duke's promises on this occasion were available in the service of his brother, they do not appear to have been observed by, or to have disarmed suspicion from, himself, when the emergency arose; for on the very next occasion of "a plot," he was himself taken into custody and lodged in the Tower.† However, at this time, a compromise so advantageous to both parties, appears to have been accepted; and "the result of the interview was, that Mr. Edward Howard, being brought into Court, and no evidence forthcoming on the part of the Crown, he was, as a matter of course, acquitted, and discharged from custody."‡

This traditional family anecdote has every appearance of

\* Indications of Family Memorials, *fol.* 1836.

† In October, 1722, while the duke was sojourning at "the Bath," he was taken into the custody of a government messenger, and brought to London. On the 25th of the same month he underwent examination before the Lords of the Privy Council; and on the following day, the case being brought before the House of Peers, he was committed to the Tower by a vote of the House on suspicion of high treason. The report of a Committee appointed to investigate the charge of complicity in the alleged plot, implicated Mrs. Jones (the duke) of carrying on a treasonable correspondence in cypher with a recognised agent of Mr. St. John (the Pretender) at Cambray. After a seclusion of nine months, on the 26th May the following year, the necessities of the occasion having moderated, the duke and his fellow prisoners were admitted to bail; and on the 28th November, the last day of Michaelmas term, he and they appeared on their recognizances and were discharged.

That the suspicions of the Court were not altogether without foundation in fact, seems probable, when it is written by one in the secrets of the family, that "the duke at this time, having exhausted every other source of supply, at last melted down a large portion of the family plate and converted it into money for the use of the Pretender. It is, perhaps, a confirmation of the truth of this anecdote," adds Mr. Tiernay, "that of the coronation cups still preserved, the earliest is that which was received by Edward, the brother and successor of duke Thomas to the title."—[at the coronation of George the Third]—*Hist. Arundel*, p. 582.

‡ Indications of Family Memorials, 1836.

probability: the form of a trial was gone through; but the evidence produced was so entirely of a negative character, as to leave little doubt that it had been pre-arranged for an acquittal:—

“On the 10th July [1716], at the Exchequer Chamber, Westminster, came on the trial of Edward Howard, esq., brother to the duke of Norfolk, who challenged thirty-four of the panel; but a jury being at last fixed and sworn, the witnesses for the king were examined. Mr. Patten\* was first called: he gave an account in general of the several marches of the rebels, and how they secured and made prisoners several of his majesty’s subjects at Penrith, and seized arms at Kelso and Lancaster; but *he denied that he ever saw* Mr. Howard at any attack during the action at Preston,† nor even in company with any of the rebels, before the prisoner and himself were ordered to Wigan under a guard of dragoons, in order to be brought to London. This witness likewise owned that though he had several times supped and dined with Mr. Howard, yet *he could not call to mind* that he ever heard him enter into any discourse relating to their affairs; but that he seemed always to be pensive, and looked as if something that he kept secret gave him great uneasiness. The servant maid, where he lodged at Lancaster, said that Mr. Tunstall‡ had

\* The rev. Robert Patten, minister of Allandale, co. Northumberland, chaplain to the rebel General. He was taken prisoner with the force; became very penitent; and “satisfied in every point and query” by the rev. Dr. Cannon, appointed to converse with him, saved his life by becoming evidence for the king: he was examined against most of the persons executed. On the 8th January, 1718, Mr. Patten received the appointment of chaplain to the “Hampton Court,” third-rate man-of-war; but was removed after a few months.—*Hist. Reg.* He published a narrative of the rebellion from personal observation.

† In the emergency, at Preston, the reverend gentleman acted as a sort of *aide-de-camp* to the earl of Derwentwater, going from barrier to barrier, until his horse was shot under him.—*Personal Narrative.*

‡ Paymaster-General and Quarter-Master General of the English rebel force. Mr. William Tunstall was second son of a Yorkshire gentleman of good estate. He was tried and condemned to death.

written the name of Howard upon a chamber door, where a man of that name was to lie; but *she could not be positive* that the prisoner at the bar was the person. The hostler at the *Pied Bull*, at Preston, said that he had horses in the stable that were called Mr. Howard's; but *he could not say* that he had ever seen the master of them. The woman of the house where he lodged at Preston was likewise called, and deposed that a gentleman came to her house and asked if she could spare a lodging for two gentlemen; she answered that she had a spare bed, but if they were rebels they should not have it: upon which the gentlemen replied that they were country gentlemen; that accordingly they did lie there; and that Mr. Howard was one of them: he went often in and out, but *she never saw* him among the rebels. Upon the whole matter, the Court having summed up the evidence, the jury went out, and after a short stay they brought him in *not guilty*. Whereupon he paid his fees, and was presently discharged, — *not without suspicion of corruption somewhere or other.*”\*

Thus fortunately terminated the collision of two noble houses! The life and honors of the future duke were happily spared to himself and to his country; the Howards tolerated the Hanover family and the protestant succession, at the price of their opinions and their faith; and the succeeding plots, with the memorable “forty-five” that witnessed a renewal and failure of the fruitless struggle to place a Romish king on the throne of England,—the destruction of many friends, and the former captive in possession of ducal honors, could receive no direct aid from the

\* Polit. State of Great Brit., v. xii., p. 42. Other persons beside Mr. Howard found favor at Court. Mr. Farquharson, of Invercauld, Lieut.-Col. of Macintosh's battalion, had sufficient interest to obtain a pardon; and Mr. John Clavering, “a Northumberland papist” of an ancient and honorable family, obtained a *nolle prosequi*, by the intercession of “his kinswoman, my lord Chancellor's lady.” William, first earl Cowper, married Sarah, daughter of John Clavering, of Durham, esq.

head of the noble and powerful house of Howard; though, if report be correct, and—

Suspicion always haunts the guilty mind;—

the duke, on the latter occasion, did think it prudent to take shelter of the precincts of the Court; and hastened to London from Worksop manor, to have an interview with the king.\*

Mr. Edward Howard was third son of Thomas Howard of Worksop, and succeeded his elder brother, Thomas, in the dukedom of Norfolk, in the year 1732.† Several years previously, namely, in 1727, he had married Mary, the second daughter and one of the coheirs of Edward Blount, of Blagdon, in the county of Devon, esq.,‡ the early patron and correspondent of Pope. This young lady, in her twenty-fifth year, was in every respect fitted for the distinguished position her good fortune had designed her. Gifted by nature with a pleasing and commanding person, and great and varied talents, she was at the same time easy yet dignified in her deportment; and in common with other interesting specimens of her sex, “when she pleased—singularly insinuating in her manners.”§ Add, that “she loved business, had talents for it, and became the refuge of

\* Dallaway, *Hist. Western Sussex*, v. ii., part i., p. 182.

† Henry Howard, second son, was a bishop of the church of Rome; he died in that city in the year 1720; and was buried at Arundel.

‡ Mr. Edward Blount was third son of Sir George Blount, of Soddington, bart., and his wife Mary, heiress of Sir Richard Kirkham of Blagdon, Knt. He married Anne, eldest daughter of Sir John Guise of Rendcombe, co. Gloucester, bart., by whom he had several daughters of surpassing beauty and talents, who became his coheirs, viz., Elizabeth, wife of Hugh lord Clifford of Chudleigh; Mary, who became duchess of Norfolk; Anne, said to have been lady Abbess at Antwerp, whose portrait, known as the “beautiful nun,” adorned the “Gentlemen’s Dressing Room” at Worksop; and Henrietta, who became the second wife of Mr. Philip Howard of Bokenham. Mr. Edward Blount died in London, of small-pox, in 1726. His sister, Mary, was wife of Henry Howard of Clun, co. Salop, esq.; and left early a widow, was a witness on the trial of the lord Stafford, in 1680.

§ Butler, *Mem. of English Catholics*, v. ii., p. 72.

all the catholics in all their vexations;”\* and we may readily credit Mr. Butler, that she availed herself of Pope’s introduction to institute the young and rising barrister, William Murray,† a kind of Attorney-General on their behalf. Poetically, however, this could only be done by the aid of imagery, and we must call in aid the introductory poet, as the fanciful biographer of the English catholics appears to have pictured to himself, the goddess of beauty and love “directing her doves” to No. 5, King’s Bench Walk, Temple, the welcome bearer of twenty guineas, and—*mirabile dictu!*—a popish brief:—

“To number five direct your doves,  
There spread round Murray all your blooming loves,  
Noble and young, who strikes the heart,  
With every sprightly, every decent part;  
Equal the injured to defend,  
To charm the mistress and to fix the friend.”

With the many attractive qualities she possessed, added to the position and wealth her husband’s succession to the dukedom afforded for their display, the mansion of the duchess of Norfolk early became the centre of whatever was interesting in art or elegant in the world of fashion, of either communion that divided parties and complicated

\* Butler, Mem. of English Catholics.

† Afterwards Chief Justice of the Court of King’s Bench, and created earl of Mansfield. William Murray was third son of David Murray, fifth viscount Stormont. The viscount and the master of Stormont, with an estimated force of three hundred clansmen, were “against the government” in 1715, when the rampant Scottish lion took the field, and the gentlemen of the English border, “warmed to the tartan,” for “Scotland’s woes and Scotland’s king.” The two lions of Stormont, however, bore a motto that saved the honors of the house; though Mr. James Murray, the second son, was an active emissary from the Court of St. Germaines. He acted as Secretary of State to the Pretender; and after the disaster at Sheriff-Muir, retired to the Court of his sovereign, where he was rewarded with the title of earl of Dunbar. Colonel John Hay, second son of the earl of Kinnoul, who married Margery Murray, daughter of the viscount Stormont, also retired to St. Germaines, and for his active military services, was rewarded with the earldom of Inverness.

the politics of the day; and by the familiarity that her agreeable *réunions* produced, much of the asperity of religious animosity became softened to a more tolerant spirit and charitable forbearance, in the circle of society in which she moved. Indeed, Mr. Butler observes, that "it was the happy fortune of the duke and duchess of Norfolk to open the first access of their fellow catholic subjects to a notice of their sovereign; and some attentions, which they had an opportunity of shewing to Frederick prince of Wales, during the variance between his royal highness and his father, George the Second, laid the foundation for much of that benevolent feeling towards the professors of their obnoxious faith, which is known to have been entertained by the second sovereign of the House of Brunswick."\*

In 1736, when the intrigues of party, active on the prospective foreign relations of the country, and balancing the chances of adulation between the declining† and the rising sun, had resulted in the prince of Wales "sacrificing himself for the good of the nation,‡ by demanding a marriage" with the daughter of the duke of Saxe-Gotha, those unhappy differences which occurred between the sovereign and the heir apparent, were placed beyond repair by the prince throwing himself absolutely into the hands of his rising

\* Mem. of English Catholics.

† The state of the king's health at this time was esteemed exceedingly precarious. The prince thought his majesty "might linger out the session in the same way."—*Doddington, Diary, App., p. 446.* The duchess of Marlborough "had heard from a pretty good hand that the king had been worse than they cared to own; and the physicians say," she continues, "if he does get over this illness, he cannot live a twelvemonth."—*Opinions of the duchess of Marlborough, p. 86.* How vain the speculation! The king long survived the prince, his son; and gave place to his grandson, George the Third, nearly a quarter of a century after his physicians considered his case hopeless, and his courtiers had shuffled the cards for a new game.

‡ *Doddington. Diary, Appendix, p. 451.* His royal highness, however, had the gallantry to qualify the sacrifice by adding, that "the princess was the best and most agreeable woman in the world." But "the nation ought to stand by him." The prince was married 27th April, 1736.

party, and appealing to parliament for an allowance independent of the royal civil list.\* Political virtue, not perhaps, without a lively remembrance of "quarter-day," united to a high sense of the prerogative-royal and filial submission, operated to the conservation of the Exchequer at this time;† the appeal was unsuccessful, both in the House of Commons and in the Lords; and in the triumph of the ministry the king was so ill-advised by Walpole and the queen,—who in the petulance of her resentment had resolved to proceed to extremities,—as ultimately to eject the prince and princess from St. James's palace, where they had hitherto resided.‡ A step so violent and injudicious raised

\* The prince said "he had resolved to endure it no longer, and had determined to make a demand in parliament of a jointure for the princess, and of £100,000 *per ann.* for himself, which his father had when prince; and which he looked on to be his right, both in law and equity. All the opposition and the tories were engaged in it." The motion was negatived in the Commons by 234 to 204; forty-five tories being absent, and thirty-five members voting for the prince, writes Doddington, who, I think, never voted against us before.—*Diary, App.*, pp. 441, 443, 469. In the Lords, the motion was lost by a majority of 63; the contents being 40; non-contents 103. Fourteen of the former entered their protest, and gave ten reasons for their vote; among them were the two Howards, earls of Berkshire and Suffolk.—*Lords' Protests*, v. ii., p. 147.

About three months afterwards, June 21st, 1737, fourteen months after the marriage, (rather a late period,) the royal assent was given to an act, to enable his majesty to settle a revenue on the princess, in the event of her surviving the prince, &c.

† It was not the *amount* but the *mode* that was objectionable to the ministry; for Doddington replied to the prince, "Did he, could he believe, that if the *king were to propose to a Council* for their opinion, whether he should give his royal highness £50,000 or £100,000 *per ann.*, that any of those lords he had named or myself should have a moment's difficulty in delivering and supporting our opinion for the larger sum? Surely, he could not; there we should act according to our duty, and constitutionally; but to bring the parliament into the king's closet, for them to examine into his most private domestic affairs, intrude themselves into the government of his private estate and family....."—*Diary, App.*, p. 460.

‡ The message to the prince "to quit St. James's palace, with all his family," dated Sept. 10, 1737, will be found in *Coxe's Life of Sir Robert Walpole*, 4to., v. i., p. 544.

a barrier fatal to any terms of conciliation; and the prince turned out of doors, as might naturally have been supposed he would do, accepted a proffered refuge where it was least likely to be agreeable to the Court. It must have been a great triumph of exultation to the catholics when the heir apparent to the protestant throne accepted the shelter of a noble member of their persecuted creed,—the acknowledged head of the party most obnoxious to the policy of the government in church and State,—and took up his residence at Norfolk House!

“Twenty years,” wrote a Court poet, “have wrought strange alterations!” Aye, new and strange has ever been—will ever be the cycle of time in man’s brief history; and passing strange the events that here occurred. Twenty years! What a retrospect for the Howards! Twenty years ago! Where then stood Mr. Edward Howard? In arms against the sovereign family whose heir he now sheltered beneath his hospitable roof; a traitor at the felon’s bar, depending on the merciful forbearance of the Crown to suppress the ample evidence of guilt that had consigned so many of his companions to an ignominious death. Unchanged as he was in the sentiments of his faith or his religious zeal, if party spirit and the temporary triumph of a political creed have been supposed alone to have induced his new position, let gratitude in some sort blot the words, and give him credit, at this time, for loyalty to the throne, which after years—negatively at any rate—tested to the proof.

It was in the spring of the year 1737, that the contest took place in parliament on the subject of an independent allowance to the prince: the summer months increased the discord in the royal family; and in the autumn of that year the prince took up his residence at Norfolk House; which then became “the centre of political opposition;”\* and it was there, beneath the roof of the acknowledged

\* Walpole.—*Cove, ut supra.*

head of the popish party, that, on the 24th May, 1738, the protestant king, George the Third, first saw the light of day! It was thence that the duke of Queensbury and the marquess of Carnarvon were successively despatched to the king at Kensington Palace to report progress of the happy event: it was there, beneath the popish roof of the Howards, that the Archbishops of Canterbury and York were assembled to take cognizance of, and officially record the glorious fact; and it was there, on the 27th May, that his royal highness, the prince of Wales, received the hearty congratulations of the citizens of London, in an address that, while it breathed loyalty to the throne, was accompanied with circumstances that marked the popularity of the prince, and gave *éclat* to his party—not an unimportant minority in the legislature—at the expense of the ministers of the Crown. A cavalcade of eighty-five carriages accompanied the State of the Lord Mayor to form a procession,\* and crowded the environs of St. James's-square to the annoyance of the Court. With the royal family in such a state of political and social discord,† it is not a little remarkable to find so much harmony discovered from a Romish point of view.

“The duke and duchess,” says Butler, “on this occasion conducted themselves in a manner highly pleasing both to parent and son, and the consorts of each. It was signified to them that their frequent attendance at Court was expected; and queen Caroline often invited the duchess to her private parties.”‡ It happens unluckily, however, for the learned gentleman’s agreeable fiction, that her majesty was not then living! she had survived only about two

\* Hist. Reg., v. xxiii., p. 120.

† On the 28th February, 1738, an order had been issued from the lord Chamberlain’s office, and published in the London Gazette, that no person who paid court to their royal highnesses, the prince and princess of Wales, should be admitted to his majesty’s presence.

‡ Mem. of English Catholics.

months the crowning measure of her resentment,—the expulsion of the prince and princess from the palace; she died on Tuesday night, the 20th November, 1737, six months before the birth of the young prince, her grandson; and such had been her unrelenting animosity towards her son, that,—to warrant the severity of Pope's coarse satire,\* if not Chesterfield's rebuke,†—it was only by a message from her death-bed that she at length conveyed to him her maternal reconciliation—her eternal adieu!

As the catholic party gained little by the motion, the duke and duchess are entitled to full credit for their civilities and hospitality. The policy of the nation happily withstood all the shocks of papal aggression aimed either at the church or the throne; and George the Third received the sceptre a thorough-bred protestant prince. The duke, whose early lesson had taught him the wisdom of moderate measures, and patience under compulsory submission, passed a long natural existence "in seclusion from political life;" and, if length of days betokeneth contentment of the heart, found a solace apart from the ambition of power or the intrigues of an expiring faction. The good taste of the duchess, and the inclination of the duke for the cultivation of the fine arts, which found an elegant exponent in the architectural decoration and embellishment of their town mansion,‡ doubtless contributed greatly to a result

\* Here lies, wrapt up in twenty-thousand towels,  
The only proof that Caroline had bowels.

† The truth of Chesterfield's line:—

And unforgiving, unforgiven dies;

has been controverted; for the queen "sent her blessing and a message of forgiveness to her son, and told Sir Robert Walpole that she would have seen him with pleasure, but prudence forbad the interview, as it might embarrass the interests of the king."—*Mem. of Sir Robert Walpole*, 4to., v. i., p. 550.

‡ The improvements at Norfolk House, St. James's-square, comprising a handsome front erection in advance of the old building in which prince George was born, were commenced in 1742; and, with the internal decora-

happy to themselves ; and in the amiable frame of mind induced by the absence of "impious discontent," advantageous also to the well being of all within the sphere of their social intercourse or their benevolent consideration.

Happiness ! our being's end and aim !  
 Good, pleasure, ease, content ! whate'er thy name ;  
 That something still which prompts th' eternal sigh,  
 For which we bear to live, or dare to die ;  
 .. .. .  
 Know then this truth, enough for man to know,  
 "Virtue alone is happiness below."

The moral virtues were more than conspicuous, they shone resplendent in this noble pair. One drawback, and one only, lurked in "Heaven's just balance" of their earthly endowment. The duke had passed from mid-life to old age without having any heir to inherit his honors and estates :—

Heaven had not crown'd his wishes with a son ;

and at the age of seventy years his nearest male relative was a nephew, son of his brother Mr. Philip Howard, of Bokenham, who died at his house, in Upper Grosvenor-street, January 23rd, 1749, at the age of sixty-one.\*

Mr. Philip Howard, youngest son of the lord Thomas Howard of Worksop, in the year 1724, had married Winefreda, daughter of Thomas Stonor, of Watlington Park, in the county of Oxford, esq., by whom he left a daughter, Winefreda, born in 1726, who became wife of the honorable William Stourton, afterwards lord Stourton ; and a son, Thomas Howard, born in 1728, at this time heir presumptive to the honors of his noble relative. In 1731, Mr. Philip Howard lost the mother of his young family ; and in 1739, he married a second wife, the Madame Proli, widow of Peter Proli, of Antwerp, esq., *née* Henrietta Blount, younger sister of the duchess of Norfolk. By this

tions, are said to have amused the taste of the duchess and the noble duke for nearly twenty years.

\* He was buried at Arundel.

marriage Mr. Philip Howard had also two children, a daughter, Anne, born in 1742, who married Edward lord Petre; and Edward Howard, born in 1744.

"Worldly hope," writes Dr. Young, "expires in old age." Worldly selfishness sometimes may: hope,—while man is passion's slave—never! "The worldly wishes that an old man sends out," adds the same divine, "are like Noah's doves; they cannot find whereon to light, and must return to his own heart again for rest." Not always so unhappy. Love, hatred, pride, vanity, revenge,—all the passions of the human heart,—the comfort—the happiness—the misery of to-day, too plainly make known to mankind whereon have rested, for joy or sorrow, the enduring wishes of a bye-gone—perhaps capricious—old age! Selfishness can hardly extend beyond the grave; but while—

Hope springs eternal in the human breast,—

the heart's mundane wishes will seek an earthly rest!

The wishes of Edward duke of Norfolk were the legitimate and natural offspring of his position. On Mr. Thomas Howard, eldest son of his brother Philip, the duke had placed his hope. As heir presumptive to honors of the highest rank, and to a fortune that had become princely by the quietude of a long possession, in the hands of one whose pleasure and chief expenditure had been on works of improvement and taste, adding increased value to the property it adorned,—this young gentleman, on the decease of his parent, became an object of regard in the brilliant circle to which his expectations had introduced him, and of corresponding pride to his friends. The duke early acknowledged him as his heir, and gave him all the advantages a position so distinguished was calculated to afford. The old man's wishes, so far from returning to himself in cold selfishness, found rest and pleasure in the hope of an indirect heir supplying the void that nature had left in his own lineage; and his heart's desire seemed to be,—perhaps there was pride and vanity in the wish,—how he could

best promote and establish in him the enduring splendour of his house.

With this view, writes Gilpin, the duke conceived the design of restoring, for the advantage of his nephew, the Manor House of Worksop to its ancient splendour. This was an exercise of taste that engaged his attention, and aroused the dormant energies of age to the activity of youth: and the duchess, who superintended the works, united her refined judgment in a labor of love worthy of her genius; for its object was a most interesting feature of the family history.

The old manor house of Worksop, vast and magnificent, situated in the centre of a well wooded park, eight miles in circumference, was originally erected by the Talbots, in the reign of Henry the Fifth. George earl of Shrewsbury reconstructed the old mansion into a building of Elizabethan taste and proportions; which, unfinished at his decease in 1590, was completed by his widow, the celebrated Bess of Hardwick,\* whose property it became by settlement after

\* This "beautiful and discreet lady," says Collins, daughter and coheir of John Hardwick of Hardwick, co. Derby, esq.—not an unusual circumstance when property was represented by knights' fees and feudal obligations, at the age of fourteen became an object of attraction to Robert Barley of Barley, co. Derby, esq., who deceased in 1532, leaving her a young widow with considerable wealth settled on herself and her heirs. But her husband died childless; and "her marriage," though an object of attraction to many, she had discretion to reserve until the year 1547, when on "the 20th August, at two of the clock after midnight, the domynicall letter being B," she became third wife of Sir William Cavendish,—sometime the prudent Secretary of Cardinal Wolsey, the lucky Treasurer of the Chamber to Wolsey's royal master,—who had edged his way from the ruin of one to the favor of the other, and accomplished riches out of the earliest suppression of the well-endowed religious houses. The heirs of Cavendish were the children of Bess of Hardwick; and the noble houses of Newcastle and Devonshire looked to her as the mother of their founders, the aggrandiser of their wealth. Sir William Cavendish died in 1557, and his widow next gave her hand to the Captain of the Queen's Guard, Sir William St. Loo, whose fair lordships in Gloucestershire, on his decease, fell to her inheritance by a settlement on her and her heirs, to the exclusion, we are told, "of his daughters by a former marriage," and of brothers, his own male heirs. "In her third

his decease; and it passed to the Howards by the marriage of the earl's youngest grand-daughter, Alatheia Talbot, who eventually became sole heiress of her father, Gilbert, seventh earl of Shrewsbury.

It was this interesting mansion of the Talbots that the duke proposed to restore in a style of grandeur suitable to his idea of a residence becoming the first peer of the realm.

The park surrounding the manor house, parcel of the ancient forest of Sherwood, renowned in historic lore, seemed to have been selected by its original owner from the wilds, as a spot where nature had been lavish of her beauties in all the accessories to palatial magnificence. Hill and dale gracefully disposed, gave background and variety to the scene, which the forbearance of man had judiciously acknowledged by sparing the numerous groups of fine timber that crowned the heights, clustered the grassy slopes, and studded the open lawns. Here and there—

—— the Druid oak,

Stood like Caractæus in act to rally

His host, with broad arms 'gainst the thunder stroke.

Some of these primæval tenants of the forest, whose umbrageous branches extended their canopy over half an acre of ground, had been famed for their growth and beauty, by Evelyn, a century before.\* John Talbot, when he erected

widowhood," says bishop Kennet, "she had not yet survived her charms of wit and beauty,"—and she completed her conquests by adding nobility to wealth, in a marriage with the most powerful nobleman of his time, George earl of Shrewsbury, whom "she brought to terms of the greatest honor and advantage to herself and children; for he not only yielded to a considerable jointure but a union of families." Her eldest son, Henry Cavendish, was united in marriage with Grace Talbot, the earl's youngest daughter; and the "disgraceful and imprudent concessions" made by the earl, reverted to his son, George Talbot, seventh earl of Shrewsbury, by marriage with Mary Cavendish, third daughter of Sir William Cavendish, of Chatsworth, and Bess of Hardwick.—*Collins, Noble Fam.*

\* *Sylva*; or a Discourse of Forest Trees, 1664. Some of these magnificent oaks were found to bear two feet square of timber at the height of forty feet; so that each tree contained more than six solid tons of timber.

the original *manoir*, left them as saplings of the wood. The unhappy queen of Scots might have meditated beneath the shade of their extended boughs.

This was indeed a spot that on every consideration merited the regard of the noble owner, and the outlay it was about to receive. Designs to—

Erect new wonders and the old repair;

passed rapidly in review before the arbiters of taste who sat in judgment; and plans were speedily prepared for the extensive alterations projected. The works were immediately commenced, and after several years of active and critical superintendence on the part of the duchess, and a vast expenditure of money,\* they were completed in a manner that left nothing to be desired; a building of surpassing beauty, one of the most noble in England, containing about five hundred rooms, gave habitable grandeur to the surrounding scene.

In the year 1761 the embellishment and re-furnishing of the restored mansion had also been carried to completion in a style corresponding with the tone of its exterior grandeur; the state and visitors' apartments, decorated and furnished *en suite*, had been the study of the upholsterers' art; magnificent tapestry, recording historic events, adorned the walls; the valuable paintings and drawings had been placed in the best lights to give effect to the master and the beauty of the composition; the matchless works of art and *vertu*, including many of the famous Arundel collection, had been disposed in elegant arrangement throughout the spacious galleries and apartments; and the latter were being aired for autumn occupation;—when, on Tuesday, the 20th October, a fire, which it was believed had been smouldering some weeks in a closet adjoining the library, broke out with a fury that soon gained mastery over the

\* For several years, it is said, about twelve thousand pounds per annum had been expended in wages alone about the house; so that the estimate of thirty thousand pounds was much below the actual expenditure.

limited means at hand for its suppression; and in a short time the noble edifice, the object of so much pride, and so many hopes, presented only a heap of ruins: the chapel, with some part of the east wing, being all that remained as a memorial of the past:\* the loss in furniture, paintings, books, and articles of taste alone being estimated at not less than one hundred thousand pounds!

If pride and vanity had received a check, the duke acknowledged the intelligence with every appearance of humility and resigned submission: "God's will be done!" Such are his recorded words.† But if he thought the calamity had been the chastening will of the Almighty, did he accept the sign as a check to the vanity of his earthly wishes? Did he submit himself humbly to that decree? No, he set up the will of man in open defiance to it; the old man's wishes had been too ardently excited to submit to a calamity which he had even attributed to the will of God; and nothing daunted by the severity of the loss inflicted, he forthwith determined to erect a palace on the ruins of his former mansion that should be to it as the temple of Solomon to the tent of the wandering Arab! Before the ruins had well cooled, writes Gilpin, the ground was cleared; and in the mean time plans were projected for a palace to consist of an extensive quadrangle, embracing two interior courts, and a circular Egyptian hall in the centre.‡ But the details for such a work were not the preparation of a day; a year had elapsed before they were sufficiently worked out to be called complete; and when they were so, the wandering eye gazed with astonishment,

\* The statues of the Arundel collection have been preserved to memory by the etchings of Dr. Ducarel.

† Annual Reg., v. iv., p. 169. The stables were burnt down in 1770.

‡ Plans and Elevations of Houses by James Payne; 2 vols. fol., 1783. "A View of the first building erected by duke Edward," was exhibited by William Hodges, R.A., 1772; and a View of the *Menagerie*, designed by the duchess, painted by P. Sandby, R.A., was exhibited at Spring Gardens, in 1764.—*Gough, Brit. Topog.*

where admiration failed to dazzle the thoughtful beholder, at the wild enthusiasm of the aged patrician, who at years when—

— the madness of the heart  
And passions cease in other men ;

had projected a work that the course of nature forbad the hope of beholding the completion. To him might well have been addressed the lines of the Roman poet :—

Tu secunda marmora  
Locas sub ipsum funus, et sepulcri  
Immemor, struis domos.

But if in vanity, yet not in selfishness, he “spoke to time” of the future grandeur of his house ; and with the courage or the wilfulness of age, he sent his wishes forth again with an impulsion to their daring flight that might have o’ertopped the hope of empire,—but could not conquer fate ; for ere a stone was laid, an unexpected decree of Providence returned the old man’s wishes to his heart again for rest,—his nephew died.\*

It is wisely and mercifully decreed, that—

Heaven from all creatures hides the book of fate  
All but the page prescribed ;—

or life would be a burden too weighty for man to bear. When this leaf was opened, however, it did not present a fatality that was irremediable. There was yet hope in bud and blossom. One single shoot of the ancient stock yet remained on which the old man’s wish might find its rest.

It will be remembered that Mr. Philip Howard, by his second wife Henrietta Blount, sister of the duchess of Norfolk, had a son Edward, named after the duke, as the deceased Mr. Thomas Howard had been named after his uncle, the duke living at his birth. Mr. Edward Howard was nineteen years of age, when, by the decease of his half brother, he succeeded to the proud position of heir presumptive to his noble uncle. On him the duke now

\* Mr. Thomas Howard died January 11, 1763 ; and was buried at Arundel.

bestowed all his sympathies, and the duchess her affections; for he was allied in blood and lineage to both the Howards and the Blounts. Whether this circumstance in any degree moderated the grief for the deceased heir, certain it is, the progress of events were not stayed by his loss. Philosophy and resignation are wonderfully accelerated in their divine action by the presence of hope; and within three months the determined object of the aged enthusiast's heart was renewed. On the 21st March, 1763, taking his youthful heir by the hand, the duke laid the foundation stone of the magnificent pile, which, if completed, observes Mr. Young,\* would have been the largest house in England; and even now remains a masterpiece of architecture among the noblest mansions in the land. Payne has the merit of having been the architect employed, but some of the most beautiful parts of the edifice must be attributed to the architectural skill of the duchess of Norfolk, who is said to have superintended the erection. Nor is the house itself more justly celebrated for its beauty than the surprising expedition used in its erection; and the visitor is struck with astonishment when told that what he sees is only a fifth part of the great design.

This portion, one side of an intended quadrangle, presents a frontage of white freestone, three hundred and eighteen feet in length, forming "a façade of lightness, beauty, elegance and grandeur, not unfit for a residence even of royalty itself." In the centre a slightly projecting portico, consisting of six stately Corinthian columns, resting on rustics, supports a tympanum and pediment "with all the grace of the *Antinous* added to the apparent vigour of *Hercules*."† The points of the pediment are surmounted by handsome statues, and in its centre is an emblematical carving allusive of the high family alliances of the House of Howard.

\* Agricultural Tour, v. i., p. 328.

† Beauties of England and Wales, by the Rev. J. Hodgson, &c.

"This front, upon the whole," writes Mr. Young, "is undoubtedly very beautiful: there is a noble simplicity in it which must please every eye, without raising any idea of want of ornament."\* When it is added, that the present erection was designed for the back front, the imagination will fail to conceive the ideas of grandeur that floated in the mind of the projector of the whole design.

Less than four years sufficed to fashion this noble pile out of the rough blocks of the neighbouring quarry, and to raise a habitable mansion on the ashes of its predecessor. The year 1767 beheld it as a noble triumph of art; yet the germ only of a building, that time—some fifteen or twenty years—might have expanded to—

A work to wonder at,—perhaps a *Stow*;—

surpassing, perhaps, a *Cannons*,† where the very locks and hinges of the doors were of gold and silver! Pope's imagination, however, had not been called upon to contrast the genius—though his satire rarely spared the follies—of his patrons and his friends; or the classic taste of a Temple

\* Agricultural Tour.

† In the parish of Stanmore, Middlesex, built in 1712 by Mr. James Brydges, afterwards duke of Chandos, who expended upwards of two hundred thousand pounds in its erection and embellishment. Here kept the duke his state, with a splendour not unbecoming a sovereign prince,—or, in the language of the satirist—

As brings all Brobdingnag before your thought,

Unhappy poet! Doubtless he "ran amuck" in the severity of his censure, when he *whitewashed* an earl and *bespattered* a duke, in eulogising the morality *Of the Use of Riches*. Nevertheless, Pope was prophetic when he gave Timon's villa to the winds:—

Another age shall see the golden ear  
Imbrown the slope, and nod on the parterre;  
Deep harvests bury all his pride has planned,  
And laughing Ceres reassure the land.

At the decease of the duke, in 1744, the costly library and valuable collection of articles of taste were dispersed; the magnificent mansion was pulled down, and the materials sold by auction. The *squirting cupids* were destined to deck another lawn; and the equestrian statue of George the First, removed from the Park, was placed in Leicester-square.

and the magnificence of a Chandos might have found successful rivalry in the united talents of a Howard and a Blount. There seemed but one mischance likely to interdict the completion of the work,—the duke was eighty-two years of age; and with all the energy that could be concentrated on the task, nature might yet demur to the wishes of his friends. At his maturity of years,—

Life's span forbids us to extend our cares  
Or stretch our forward hopes—

Within himself, however, though he took pride in the progress of the work, all was of the future. He looked forward to the completion of his noble design and the inheritance of his heir, as though his sole enjoyment had been in the prospect of his succession, and the splendour of the ducal state in the magnificent home he was preparing for his reception. On him the old man's earthly wishes had found their firmest,—on him, their final—rest: and he was young, and full of life, and joy, and happiness; with all the attributes that might give pride and stability to the wishes of his friends:—

To virtuous ways, to manly sports inclined;  
That promised health, and length of golden years:

and to the old man's gaze, like Banquo's heir, he bare a glass, wherein the prospective wishes of his heart beheld, in long array, a line of progeny to wear his honors and to bear his name to distant time!

But in vain the stone is quarried and the blocks prepared; in vain the labourers' hire, the workmen's speed; the builder's knowledge and the artists care:—

Heaven still with laughter all the toil surveys  
And broke the charm—  
Where hope had promised greatest length of days.

It so happened that Mr. Edward Howard, playing at Tennis with his brother-in-law, the lord Petre, became overheated by his exertions in the game; and a fever that

ensued, resulting in measles, terminated fatally the 7th February, 1767, in the twenty-fourth year of his age.

Could tears retard the tyrant in his course :  
 Could sighs avert his dart's relentless force :  
 Could youth and virtue claim a long delay—  
 He still had lived.

But vain are the hopes of man and the plans he so cunningly prepares ! Like Noah's doves, the old man's wishes returned to him again to seek their final rest : and in disappointment and despair the worldly hopes of Edward duke of Norfolk vanished like the baseless fabric of a vision—a melancholy and remarkable instance of the vanity of worldly hopes extended beyond the grave !

Whether woman was made for affliction or affliction for woman,—according to the poets, with her happily constituted temperament, every cloud has a silver lining, every grief a joy ; she always shines in sorrow.

Source of all our gentler feelings, whence  
 They are drawn, that harmonize us from the brutes.  
 The only prop—weak though she be—who stands  
 Firmest in sickness and in sorrow—yea, in guilt.

The duchess, true to her sex, accepted the dispensation of Providence with resigned submission ; and became the comforter where the desolating visitation was less consolable. To the duke the shock was so great, and so profound his grief, that it was feared he would sink beneath the weight of an affliction boundless as had been his ambition. He had set his heart upon a futurity that was not to come : he had essayed a pyramid that should scare the world with the greatness of his failing house ; he had successively made a human idol of his hopes,—and where now were they ?

Statues of glass—all shivered !

“There is something very touching in the domestic story of his latter days. He had lived,” says Mr. Tiernay, “to behold the wreck of much that could have endeared exis-

tence to him: his nephews, to whom he had looked for the succession of his house, were cut off in the flower of youth; and the honors of his family were about to pass away from his own line to that of a distant relative.”\*

The reflection was not happy; but grief could not recal the dead; and as he had built only for his nephew, his first order was to stay all further progress of the work he had been so long sedulously hurrying forward; and he left the uncompleted mansion—nevertheless a magnificent residence,—for collateral heirs yet more remote,—and for whom he appears to have entertained small regard, to enjoy the benefit of his energy and his taste. He could not, however, entirely divest himself of the gratification he had received, and the happiness the busy work had given to himself and diffused to others. He still lingered round the spot, as it were by habit. Here it was that he sweetened the dregs of life or buried a wild despair in a generous hospitality and kindly charity among neighbours who had been acquainted with his sorrows and participated in his grief. When we find that his hospitalities had the character of being princely, and his benevolence without stint, we may understand that THE DUKE still lived in him. Last of his line, his pride—say his hopeless vanity—felt the necessity of maintaining for his own time, the splendour of his rank,—the traditionary grandeur of his house; and had he lived but as one whose worldly wishes centred solely in himself, it must still have been remembered they had sought and found no other earthly rest!

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\* Hist. Arundel.

# HOWARD PEDIGREE.

Henry Frederick=Elizabeth, d. of  
earl of Arundel, | Esme Stuart, duke  
ob. 1652. | of Lennox, ob. 1673.

=Henry Howard= Jane, d. of  
Robert Bickerton,  
esq., ob. Rother-  
ham, 1693. æt. 49.  
bur. Arundel.  
2nd wife.

Philip Howard,  
Cardinal  
of Nor-  
folk.  
1714, æt.  
83, bur.  
Dorking.

Charles= Mary, d. of  
Geo. Tattershall,  
of Finchampstead,  
co. Berks, esq.,  
ob. 1695, bur.  
Dorking.

Edward=.....  
Howard, d. of  
Wil-  
b. 1637.  
ob. 1691. braham.

Francis Howard.  
b. 1642;  
ob. 1717,  
bur. St.  
Pancras.

Bernard= Catherine, d. of  
Geo. Tattershall,  
of Finchampstead,  
co. Berks, esq.,  
ob. 1717,  
widow of Sir Rich.  
Lechford, of  
Dorking, kn.

Esme Howard,  
ob. 1728, æt.  
83, bur. St.  
Pancras.

See Pedigree,  
p. 46.

George=Arabella, d. & h.  
of Sir Edmund  
ob. Croy-  
don, field Peverell, co.  
Essex, bart, wi-  
at 64, dow of Francis  
bur. Thompson, of  
Arundel. Humbleton, co.  
York, esq.

James Howard,  
b. 1673,  
drowned  
1702.

John Howard,  
ob. in-  
fans,  
1684,  
bur.  
Arundel.

Sir Rich. Kennedy,  
bart, killed  
in a duel,  
1710. 1st  
husband.

Catherine=Fred. Henry  
Howard,  
b. 1684,  
Capt. 3rd reg.  
foot guards,  
ob. 1727.

Catherine, b. 1670,  
a nun.  
Anne, b. 1676,  
a nun.  
Philipps,=Ralph  
b. 1678, Stan-  
ob. 1731. dish, of  
Stan-  
dish, co.  
Lanc.,  
esq.

Henry=Mary, d. of  
John Ayl-  
ward, of  
Waterford,  
esq. ob.  
1747, bur.  
Dorking.

Bernard=Anne, d. of  
Howard,  
Christopher  
Roper, lord  
Teynham.

Elizabeth,  
Mary  
Catherine,  
nuns at  
Brussels.

Sir William=Elizabeth  
Dudley, of  
Clopton, co.  
Northampton,  
bart.

Cecilia=William  
Townley,  
of Town-  
ley, esq.

Henry,  
Thomas,  
ob. juv.  
at  
Douay.

Charles= Catherine,  
Howard,  
d. of John  
Howard,  
a nun,  
ob.  
esq. ob.  
1784, æt.  
duke of  
Norfolk,  
ob. 1786.  
Arundel.

Frances Howard,  
a nun,  
ob.  
Brus-  
sels,  
1769.

Bernard Henry=Juliana  
Howard, d. of Sir  
Howard, of Shet-  
field, ob.  
1787,  
bu Shet-  
field.  
Ingate-  
stone.  
Rome.

Mary Ann=Charles Howard=Frances,  
d. of John  
Coppinger,  
ob. 1815,  
ob. 1768. s. p.

Bernard Edward  
Howard, duke  
of Norfolk,  
1815.

## CHAPTER VII.

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The Slies are no rogues : look i' th' Chronicles ;  
We came in with Richard Conqueror.

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## THE LAST OF THE DUKES.

If there is a majesty that doth hedge a king, a duke is not wholly exempt from the control of surrounding influences ; and the unexpected event that had entirely disturbed all the arrangements for the succession, necessitated a reference to, it might have been a review of, the family pedigree ; perhaps a re-settlement of the vast property under the control of the ancient duke, now verging on the very limits of life's span. The occasion demanded provision to be made for the maintenance of the family honors in a course of descent limited by the patents of creation and directed by the act of restoration. The Greystoke line appears at once to have been identified as next in inheritance of the titular dignities ; indeed the duke only accepted the contingent succession indicated by the will of his late brother and antecessor in the ducal inheritance ; and on Mr. Charles Howard and his heirs, with remainder to the line of the Howards of Sheffield, were those settlements forthwith made, which have been referred to in a previous page.\*

It has been suggested that in this compact there had been an evident "anxiety to perpetuate the succession of the great estates, and the very high and splendid dignities appertaining to the ducal Howards in the channel of the Romish religion, professed by all the parties to the arrangement."†

\* Ante, p. 29.

† *Mysterious Heir*, 1816, p. 9.

In the state of mental depression in which the duke is represented to have been thrown by the failure of all his earthly hopes, it might perhaps be questioned how far he was himself an active promoter of the transaction; but his assent must necessarily be assumed by his execution of the deeds, and as he referred to and ratified the arrangement by his will ten years later, it is not possible to believe his conviction of right to have been at variance with his previous act, without affixing on his memory the charge of participating in the wilful commission of a mighty wrong; and if he had been misled or become the dupe of others, he seems laid open to the imputation of labouring under a continued delusion or imbecility of mind which has not been shewn to exist; and the duchess was alive, without any known predilection, more than the duke, for his fortuitous successor, to have assisted his inquiries and preserved the integrity of his action. Nevertheless, the groundwork, if any, for the very serious imputation suggested by the writer before quoted, and the impelling motives of the parties concerned, must be sought in a review of the family pedigree.

When an old man dies, how many facts are buried with him; how much knowledge goes to the grave! Assuming duke Edward to have been in possession of all his faculties, few persons have had so fair an opportunity of knowing all the branches of his family tree whence an heir could arise. At the age of eighty-two, when duke Edward re-settled the succession of his estates, if he had sat down seriously to examine the history of his family, and its connections, how extensive the range of his personal knowledge! how numerous the sources of his inquiry! Born in the year 1685, the first year of king James the Second,\* he had beheld six monarchs wear the English Crown. He had

\* Mr. Henry Howard of Corby places the duke's birth two years earlier, the 35th of Charles the Second.—*Mem. of the Howard Family*, fol. 1836, p. 42.

seen James the Second driven from his throne by a "foreign usurper, supported by Dutch forces,"\* and he had witnessed all the failures—participating in one disastrous attempt—to restore the expatriated royalty. Four generations of men, and the stirring events of a most active and interesting period of our history had been within the scope of his observation. In his own family, his four uncles (children of the second marriage of his grandfather, Henry duke of Norfolk), must, as a matter of course, have been living within the time of his personal knowledge; since he was a man of middle age when they died: even his great uncles, Charles, Bernard, and Esme Howard, were living to about the same period of time. He was six years old when his great uncle, of his own name, paid the debt of nature; and in his tenth year when the Cardinal of Norfolk had sepulchral honors at Rome.

The restoration of the dukedom to his family by Charles the Second was one of his nursery tales; and in his youth the story was rife how his great uncle, Charles Howard, had wrested from his uncle, Henry duke of Norfolk, by force of law, the goodly manor of Greystoke, and had adopted that designation to his name in place of Depden, a small estate in Surrey; on which, nevertheless, during his life, he sought philosophic retirement from the world he affected to despise.

The manor of Greystoke had anciently been the patrimony of barons who bore its name. In the eighth year of queen Elizabeth (1565) died Thomas lord Dacre of Gillesland, grandson of the heiress of Greystoke, leaving a widow, Elizabeth, who, as the law stood with respect to the feudal obligation of wealthy widows and rich heiresses, had perhaps little option as to a re-marriage; and she speedily became the third wife of Thomas duke of Norfolk, who, by the same means, to wit, by grant of the Crown as lord of the

\* "Declaration of his most gracious majesty, king James the Eighth." 1715.

fee, obtained the wardship and espousal of her young family. The duchess survived her elevation only about twelve months, dying in 1567; and the duke fell a victim to his politics, his religion, or his ambition, on Tower-hill, the 2nd June, 1572; leaving his own offspring by his former wives in early years. The compact, however, had been made; and while yet children, his sons, Philip and William, married the surviving co-heiresses of the lord Dacre, and divided their inheritance. The latter, with the younger sister, Elizabeth, who shared his fortunes in wedded life for the long period of sixty-three years,\* took a designation from her castle of Naworth, and became celebrated as the "Belted Will" of border story, terror of the renowned race of freebooters,† so dear to the writers of Scottish romance. His elder brother, the unfortunate religious zealot, Philip, earl of Arundel and Anne Dacre, for the brief space of their married days, made their residence at Greystoke, which passed to their only son and heir, Thomas earl of Arundel, the celebrated collector; and in the possession of his son and heir, Henry Frederick, the noble manor inherited from the Dacres of Greystoke, became the object of that settlement, which produced the unhappy contest at law—(famous as a triumph of equity over the legal quirks of the ecclesiastical school of jurisprudence)—between the brothers before described.‡

The restoration of the dukedom was a story of melan-

\* "This noble twaine, as it pleased themselves to tell us, could not make twenty-five years together, when first they were marry'd; that now can make above one hundred and forty years; and are very hearty, well, and merry."—*Relation of a Journey*, &c., 1634. *Lansdowne MS.*, No. 213.

† It was a passing joke in the rebel camp at Kelso, when the king's General was discovered to be in the neighbourhood, and the discussion arose whether to attack or avoid him,—“Let but Hunter and Douglas, with their men, quarter near General Carpenter's cavalry over night, and the de'il a horse will they find to mount in the morning!”—*Patten, Personal Narrative*.

‡ Ante, pp. 191, 233.

choly interest, well calculated to excite the attention of a youthful mind.

When that great patron of the arts, Thomas earl of Arundel, made his last tour in "his beloved Italy," he was accompanied by his two grandsons, Thomas and Philip Howard (first and third sons of Henry Frederick lord Mowbray), who, under his patronage, had received a protestant education at Utrecht, in the United Netherlands.\* They had been on their travels between two and three years, when at Milan, the younger, Philip Howard, much to the grief of his noble relative, giving ear to the seductive teaching of an Italian Dominican friar, became irreclaimably a pervert to that order; and not long afterwards, the elder brother, Thomas, heir to his father and to the family honors, fell into a "distemper of the brain," and became a hopeless lunatic. Under these afflictions, the earl appears to have surrendered himself to a melancholy as hopeless as the afflictions he bewailed. At the commencement of his journey he had parted from his countess at Antwerp, on her way to Cologne, never to meet again; and now finding travel irksome, as it had been unavailing to afford relief from the canker worm that accompanied him whithersoever he bent his steps; he finally closed his tour at Padua, where his grandson, the unhappy maniac, was placed under proper care. Here the earl was visited by his son, the lord Mowbray, and Mr. Henry Howard, his second grandson, "his only comfort which now remained," writes Sir Edward Walker,† "and which did not deceive him." Even so? What then were the hopes of this proud and ceremonious earl? Were they religious, and protestant in his prospec-

\* Walker. It is certain, however, that the earl had purposed the completion of their educational course at an English University; for there is evidence that his three grandsons, in the previous year, had been entered fellow commoners of St. John's college, Cambridge.—*Baker MS.*

† Garter King of Arms, sometime Secretary to the earl, who published a *Short view of his Life and Actions*. 1651.

tive heir? His grandson, Mr. Henry Howard, educated under the direction of his grandmother, the countess Alatheia, was a Roman catholic. Apart from the melancholy affliction of his eldest grandson, how had his hopes been disappointed? How were they to be gratified?

Of a stately presence and bearing, sumptuous in his mode of life, full of state and magnificence, "grave and succinct in council, the supporter of ancient nobility and gentry," the earl prided himself on his ancestry, and rankled after honors they had borne and lost.

In 1641 the earl may be said to have completed his career as a public man. His last important service had been that of lord High Steward on the "great and solemn trial" of the earl of Strafford; in which his judgment, gravity and impartiality had been generally approved; and he had then\* presented to the king his "humble remonstrance and petition, supported by the petition of many of his friends, setting forth his services to the throne for nearly forty years, and praying a restitution of the duchy of Norfolk, lost to his family by attainder in the reign of queen Elizabeth. The appeal does not appear to have met with the ready acquiescence which, from his long and faithful service, he had been induced to expect; and it is said, veiling his disappointment and disgust (not without a forecast of the storm brewing in the political horizon of his native land), he resigned his office of Steward of the Household, under an expressed desire to travel abroad. In this desire fortune favored his wishes by affording him an opportunity of quitting an "ungrateful country" without suspicion of discontent; for within a month,† he received a commission from his majesty to attend the queen mother, Mary de Medicis, on her return to France; and again, in the autumn of the same year, when he had finally made his own arrangements,—to accompany the queen herself and the young princess Mary, espoused to William of Nassau, on

\* June 29, 1641.

† July, 1641.

their journey to Holland. The earl made his will at Dover, the 3rd September, 1641;\* and quitted the shore of England for the last time, with the countess and his royal charge, on the 22nd February following.

The earl had been abroad somewhat over two years, when a tardy response to his petition in letters patent of the king (who now wanted friends), acknowledged his signal services and great merits; and conferred on the earl of Arundel and his heirs—not the restoration of the family honor he had coveted,—but a new title without advance of rank, namely, the *earldom of Norfolk*.† This late and reserved acknowledgment of his services, however, could neither gratify his ambition nor induce his return to his distracted country, at a time when the cause of the king was all but hopeless: and as the assumption of a newly granted title at such a juncture would probably have been taken as evidence of some secret service to the king, calling for the immediate seizure of his lands,—(and the parliament did take a compulsory loan of his ready money)—he does not appear to have added to his honors the newly granted earldom,—even if he did not treat it with indifference or disregard,—and he died as he had lived, earl of Arundel and Surrey. However, the melancholy incidents before narrated, shortly intervened to check all his ambitious views; and a year and a half later, we obtain a glimpse of the proud and stately earl—a broken hearted man.

“It was on Easter Monday,”‡ writes Evelyn, at Padua, “that I was invited to breakfast at the earl of Arundel’s. I took my leave of him in bed, where I left that great and excellent man in teares on some private discourse of crosses that had befallen his illustrious family, particularly the unhappiness of his grandson, Philip, turning Dominican friar.”§

\* Harl. MS., 6272.

† Letters Patent, dated at Oxford, 6th June, 20 Car. I. (1644).

‡ 1646.

§ Diary, v. i., p. 218.

The trial had been great, and proved him both as a christian and a protestant; for while he submitted with patience to the affliction of the elder grandson as a visitation from the Almighty, he bitterly lamented the defection of Philip from the faith he had himself early adopted against all the adverse teaching and examples that surrounded his youth. His father, Philip, earl of Arundel, "much devoted to the religion of the church of Rome," died prisoner in the Tower of London, in 1595, reduced to a very languishing state by the religious austerity of his meditations:\* and his mother was that pattern of piety, Anne Dacre, whose life, from the pen of her priest and confessor, excites so much commiseration.

Born after his father's committal to the Tower, their eyes never met; though the earl, after his condemnation, besought his peers "to be mediators for him, that he might obtain of her majesty, to have talk with his wife, and see his infant son, born after his imprisonment, whom he had never seen."†

Only child of such parents, what might not have been expected of him! By his mother he was carefully secluded, "neither exposed to travel abroad, nor to appear in much conversation at home." Nevertheless, when grown to man's estate—what a falling off was there! "Partly through fear, partly through the desire of the king's favor," writes a sorrowing apologist, "he accommodated himself by degrees to the times, more than he ought to have done, to the incredible sorrow of his aged mother, by whom he had been brought up in the old faith, in which he had re-

\* Camden; Life by Father Southwell.

† MS. cited by Collins. Sir Edward Walker, and, after him, Collins represent Thomas earl of Arundel to have been born in 1572; Edmondson and Sir E. Brydges have it 1592; Mr. Tiernay, citing the inscription on the earl's coffin, says 1585; but his birth appears to have taken place in 1588, a few months before his father was brought to trial.—(*Inq.* 18 James I.) —*Blomef., Hist. Norf.*, v. i., p. 239, 8vo. From the earl's will, it is ascertained that he was born at Finchingfield, in Essex.—*Harl. MS.*, 6272.

mained some years after his marriage.”\* At the age of twenty he was married to a lady of his mother’s selection, endowed with many virtues—Alathea Talbot, third daughter of Gilbert earl of Shrewsbury. But her steady example could not preserve him in the faith of his parents; and, seven years later, he publicly received the sacrament, according to the form of the established church, at the Chapel Royal, Whitehall, December 25th, 1615.†

The earl died suddenly, September 14th, 1646, a few months after Evelyn’s visit, when, it is said, “he had thoughts and intentions of returning to England, and had made preparations for the journey.”‡ But a decree of Providence rendered other preparations necessary; and his son and grandson arrived in England with his dead body, to find the family estates already in possession of the Commissioners for sequestrations; for Henry Frederick lord Mowbray had been an active cavalier, and his accession to the patrimony of the earldom of his father, afforded immediate means of exacting the penalty. Henry Frederick, earl of Arundel, died in retirement a few years later, while the times were yet inauspicious for royalty, or honors thence arising; and it was reserved for his second son, Henry Howard, to revive and accomplish the hopes of his illustrious grandfather: nor did he permit the winter of his discontent to await the advent of his own right of claim.

The restoration of Charles the Second to the throne, in 1660, aroused the drooping energies of many, and among them the Howards, to an urgent expression of their sufferings and their wrongs, with ardent hopes of their amelioration. Henry Frederick earl of Arundel, who died in 1652, had left many sons; but the eldest, on whom devolved the family honors, was the unhappy maniac under restraint at

\* Life of the lady Anne Dacre. She died at Shefnal Manor, Shropshire, April 13, 1630, at the age of 73.

† Anecdotes of some of the Howard Family, by Charles Howard, of Greystoke, esq., 1769.

‡ Vide ante, p. 51, n. †

Padua. On his behalf, therefore, it was that "all the descendants of Thomas duke of Norfolk attained in the fifteenth year of queen Elizabeth," and their friends, to the number of ninety-one, joined in a petition to the king, setting forth the services and sufferings of the family, and praying for a restitution of the forfeited honors. As the matter bore lightly on the royal purse, the prayer of the petition received his majesty's special grace: an act was introduced into the parliament that met at Westminster 8th May, 1661, for the revival of the dukedom in the person of the earl and his heirs; but we are told that the unhappy object on whose behalf the solicitation had been made, was never conscious of the favor his majesty had bestowed on him,\* or of the distinguished honor the numerous members of his family had politically conspired to recover in his person; and after thirty-two years of total incapacity, lost to every sense that raises human life above the level of the brute creation, he died at Padua, the 1st December, 1677, at the age of fifty years; and his brother, Henry, one year his junior, who had been the prime mover of the renewed appeal, had only succeeded to the restored honor for a short inheritance of six years before the birth of his grandson who listened to the mournful tale.

With so many years behind him, duke Edward's personal knowledge embraced the whole time essential to the purpose of the proposed inquiry. It must rarely, indeed, happen that a man having so vast a power at his command under similar circumstances, with a single object in view, could have the like probable means of knowledge for exercising it with legal propriety. All the persons had been living within the period of his youth or manhood, from whom an intervening heir might have been derived; yet it has been stated that there are several scions of the noble stock unsatisfactorily disposed of, whence a male representative

\* Fam. Memorials, by Henry Howard of Corby, esq.

would have been entitled to his honors in preference to the settlement made by the duke. Let us review the facts.

If duke Edward, in 1767, with his own personal knowledge and the assistance at his command, had sat down to examine the branches of his family tree, he would have retraced his descent to the issue of Henry Frederick earl of Arundel, who died in the year 1652, and the lady Elizabeth Stuart. Besides three daughters, the children of that marriage were nine sons, of whom—1, Thomas, was restored to the ducal honors, and died unmarried. 2, Henry, heir to his brother, married two wives, and had issue by both. Of the first marriage, the duke himself was the last male representative. By the second marriage, however, there were four sons, all summarily disposed of in the family pedigree as having died either unmarried or without male issue; and the representation is retraced to the other sons of the common ancestor, Henry Frederick earl of Arundel, in succession; of whom Philip, the third son, was a dignitary of the church of Rome, and died in a state of celibacy. The representative of the fourth son, Charles Howard of Depden, or of Greystoke, as he was afterwards denominated, next became interested in the succession; and the heir of the Greystoke line was the first object of the duke's settlement before mentioned. Talbot,\* Edward, and Francis,†

\* Talbot died on Sunday night, 1st February, 1634.—*Egerton MS.*, No. 1075. Many of the authorities, followed by Mr. Tiernay (*Hist. Arundel*), place his decease a century later; not, apparently, so much an improbability, when it is remembered that his younger brother, Esme Howard, lived to the year 1728.

† Edward, born in 1637, was sixteen years old when he was entered a student at the college of Douay, Sept. 18, 1653.—*Reg. Douay.*—*Dodd.* Evelyn received him with his brothers, as a visitor, in 1662 (*Diary*, v. i., p. 365); and in 1664 he accompanied his elder brother, Mr. Henry Howard, in his journey to Vienna and the East.—*Ante*, p. 133. Subsequently, his name has been mentioned in these pages in connection with the family broils and the claims of the younger brothers on their elder, the duke.—*Ante*, pp. 172, 175. The political associations of Mr. Edward Howard appear to have been with his brothers, Charles and Bernard; the latter more

the fifth, sixth and seventh sons, are represented all to have died unmarried,\* but in reality so little appears to have been known of them, that Mr. Henry Howard has stated the dates of their birth and death to be alike uncertain.† If, however, these three sons had no male representative, then the line of Bernard Howard, the eighth son, became interested in remainder on failure of the Greystoke line; and on Mr. Henry Howard of Sheffield and his heirs, the duke so settled his estates. It remains, therefore, to be ascertained if any of the intervening members of the family, named, had any surviving male representatives to disturb the integrity of the succession indicated by the settlement mentioned, and to warrant the imputation of a Romish fraud. But if such existed, to the suppression of a protestant line, it had been of earlier origin; thirty-five years previously, Thomas duke of Norfolk had made a similar settlement by will; and it may well be asked, why he, with two brothers, and a nephew born, to succeed to his honors, should, in 1730,‡ have been so “desirous of per-

particularly, in the temperament of his zeal; and, for his services, appears to have been in the receipt of two hundred pounds per annum, by way of “bounty” from king James the Second, to the period of the revolution.—*Secret Service Disbursements*.—*Camd. Soc.* He married into the Wilbraham family (*Egerton MS. ut supra*); where, it is stated, that he died without issue surviving. Luttrell, under date January 12, 1691, mentions the death of Mr. Edward Howard, uncle of the duke of Norfolk, to have recently occurred.—*Diary*. Francis Howard, born in 1639, was fourteen years of age when entered student at Douay college, in 1653.—*Reg. Douay*.—*Dodd*. The pedigree before cited (*Egert. MS.*), merely states that he died unmarried; with which statement the other authorities concur.

\* Collins; and his editors, Longmate, Sir E. Brydges, &c.; Edmondson.

† Memorials of the Howard Family, by H. Howard of Corby, esq., fol., 1836.

‡ The duke died in 1732; but his will bears date 26th May, 3 George the Second, 1730. He settled the estates in remainder on Henry Howard, first son, John Howard, second son, and Charles Howard, third son of the late Henry Charles Howard of Greystoke, esq., deceased, and their respective heirs male.—*Reg. Cur. Prærog. Cant.* In the settlement of duke Edward, 1767, Charles Howard the elder, of Greystoke, esq., is described third and only surviving son.

petuating the estates in his family," as to look beyond the extinction of his own branch, and settle the reversion on the youthful heir of the Greystoke line,—an orphan boy receiving his education abroad in the most strict discipline of the Romish faith? His father, Henry Charles Howard, ten years deceased, with all the amiable qualities described by his son, had been an uncompromising Romanist when the times were propitious for a moderate adjustment of the catholic claims. In 1719, observes Mr. Charles Butler, "the doctrines of the *high church*, which were generally considered to incline more to the Roman catholics than did the *low church*, offered a favorable opportunity for attempts at reconciliation of the two churches. The proposition of Dr. Strickland, bishop of Namur, for the amelioration of the English catholics, under conditions, was at this time under the consideration of government; and Secretary Craggs required that the conditions should be signed by the duke of Norfolk and other peers, for the catholic nobility; and by Sir John Webbe, Mr. Charles Howard, and others, for the gentry. The duke was willing, but the insurmountable resistance of Mr. Charles Howard stood in the way of all accommodation." "The duke of Norfolk and lord Waldegrave," again he writes, "were overswayed by Charles Howard, who continued obstinate to the last." At a meeting that took place, again he writes, "Mr. Charles Howard and the duke withdrew several times into the back room to consult, when, no doubt, the former got the better of the latter, for they agreed at last not to sign; and the matter thus broke off."\* The duke and Mr. Charles Howard thus became the champions of the Romish church;

\* Mem. of English Catholics, v. iv., pp. 266-268. "I have determined," writes Secretary Craggs to earl Stanhope, "to put the thing in execution which I said in my former letter, of tendering the oath to Howard, and seizing bishop Gifford, and Grey (the earl of Shrewsbury). To which end I have desired Delafaye to pick out a couple of discreet Justices of the Peace of his acquaintance, that will, as of themselves, take up Howard, &c. without carrying their zeal too far."—*Ibid.*

and if plot existed to withstand all accommodation in a matter of public policy, it is not without possibility that a protestant line intervening in the family inheritance between men so much in agreement in maintaining the inviolability of their faith, might have met with little sympathy at their hands. But Mr. Charles Howard died the following year; and his representative, who, forty-seven years later, actually succeeded as heir to the inheritance of his noble associate, was yet unborn. If, however, a protestant line had been disinherited by the settlement of duke Edward in 1767, it may, with equal propriety, be assumed that it had been suppressed by the will of duke Thomas in 1732. Like other of the ducal Howards, the protestant line appears to have been of a mixed quality, the offspring of Roman catholic parents; and originated in the second marriage of Henry duke of Norfolk, who died in 1684.

The marriage of duke Henry with his "concubine," as Evelyn described the fascinating Mrs. Jane Bickerton, had been a source of considerable annoyance to several of his brothers; and the vengeance they had been unable to wreak upon him, they visited on the unoffending woman, in attempts to dispute her marriage. "That some ungenerous reports," observes Mr. Tiernay, "founded, perhaps, on the officious gossip of Evelyn, and raised apparently for the purpose of depriving the widow and her children of their inheritance, were, after the death of the duke, circulated by several members of his family, is true; but the legitimacy of her children was never, at least successfully, impugned."\* Cardinal Howard, writing to the duchess from Rome, in March, 1684 (about two months after the death of the duke), says: "I am amazed at what you write of my two brothers stirring in that which I conceive can bring them no good, but discredite in adding affliction on the poor innocent;"† and in the following month, writing to his

\* Hist. Arundel, p. 537.

† Orig. at Norfolk House.—*Tiernay, Hist Arundel.*

niece, the lady Catharine, a girl fourteen years of age, the Cardinal expresses a hope that her mother, the duchess, "will finde good frends and no enemys, although at first she had some reason to apprehend the contrary."\*

The eldest son of the duchess, then a youth eighteen years of age, had probably been sent by his father to replace his half-brother, Thomas, in the train of the Cardinal, and was then at Rome. "I have y<sup>r</sup> Gr<sup>s</sup> of the 5 August," wrote the Cardinal to the duchess, "w<sup>ch</sup> I shewed L. George, who . . . . desireth nothing more then to receave y<sup>r</sup> G. blessings and com<sup>mands</sup>, w<sup>ch</sup> I doubt not but he will most willingly and dutifully obay, as he ought, in all respects: so much the more, since I am sory to understand that you have some false frends, and secret enemys, w<sup>ch</sup> cannot be otherwise but unto his prejudice also, if they prevaile any thing against y<sup>r</sup> G.; but I hope God Almighty will protect both the widdow and fatherlesse childeren, unto w<sup>ch</sup> all that I can, at this distance, adde, for both theyr services, you may surely depend to the utmost of my poore abilitys. For, although I am not ignorant of some reports, w<sup>ch</sup> severall have made theare, in prejudice of y<sup>r</sup> G., yett, I neyther ought or can beleeve any thing so prejudiciall to y<sup>e</sup> honour and interest of y<sup>r</sup>selfe, and the deceased memory of so deare a husband, and his childeren . .

"I am y<sup>r</sup> G<sup>s</sup> as you know,

"T. G."†

The duchess had been a widow eight months; she had sent the heart of her husband to Princenhoff, the scene of her happiest days; and she designed that her own should follow it;‡ she had given birth to her youngest child;§

\* Orig. at Norfolk House.—*Tiernay, Hist. Arundel.*

† Thomas Grane, vide ante, p. 168. Letter dated 16th Sept., 1684.—*Ibid.*

‡ Statement of Mrs. Berington.—*Tiernay, ut supra.* Ante, p. 204.

§ In his will, the duke included in the settlement "any son that might be born of which his wife might be *enceinte* at the time of his decease."

and, in the words of the Cardinal, she had been surrounded with false friends and secret enemies, brothers of her deceased husband, eager to plunder the widow and her fatherless children. The duke, by his will, had invested her with considerable power, in entire confidence that she would use it for the benefit of his young family; and in the persecution that surrounded her, though she gave her hand to a second husband, there appears no evidence or rumour on record that she abused the trust. She was a good catholic, like her deceased duke, loyal withal to the Stuart race of kings; and a few years later she is found to have given her hand to Col. Thomas Maxwell, "of a good family in Scotland, probably a branch of the Maxwells of Nithsdale,"\* afterwards Major-General and Commander of the dragoons in Ireland. Col. Maxwell distinguished himself much in the service of king James;† the eldest son of the duchess also participating in the desperate attempt to restore a fallen royalty; and when all was lost, Luttrell writes: "Letters from Ireland say, that the lord Dover‡ and lord George Howard, with several others, had submitted themselves to the king's mercy."§ In the following year, the duchess, who appears to have been abroad during the last struggles of the fallen dynasty, returned to England; and in her company "some gentlemen who were taken up

\* D'Alton, Illustrations of king James's Irish Army List, p. 408.

† Col. Thomas Maxwell was in the confidential service of king James, and in the receipt of his majesty's bounty, in 1685 (*Secret Service Expenses*). As Major-General, Maxwell was present at the Boyne; and after the capitulation of Limerick, he passed over to France, and commanded a regiment of Irish dragoons in the service of the French king. He was killed at the battle of Marsiglia, in Piedmont, in September, 1693. — D'Alton, *ut supra*, p. 411. *Egerton MS.*, 1075.

‡ Henry Jermyn, nephew of Henry Jermyn, earl of St. Alban's; the gallant cavalier who sought the smiles of the countess of Shrewsbury, and encountered Capt. Thomas Howard, her *servente* for the day, in desperate conflict, years ago (*Ante*, p. 208). Jermyn was created baron Dover, by James the Second, in 1685.

§ July 24, 1690. — *Diary*, v. ii.

on suspicion.”\* It was at this time, probably, that she addressed to Mr. Secretary Pepys the letter from “Waybreg,” respecting “a parsell of Scottch plad, of ten or leven peses,” which drew from the noble editor of the celebrated Diary, the ungallant remark that the ennobled writer, though “famed for her beauty and accomplishments, orthography was not included.”† The duchess died at the Holmes, near Rotherham, August 28th, 1693, in the forty-ninth year of her age;‡ when her eldest son, the lord George Howard, under the first limitation of his father’s will, succeeded to the unentailed portion of the family estates at the disposal of the late duke, which had excited the desire of his dissatisfied uncles to intercept from his inheritance.

The peerage writers record that the lord George Howard died without issue. Mr. Banks curtly states that he married “Mrs. Thompson;”§ and Mr. Henry Howard of Corby excites curiosity with the remark, that “the lady’s portrait, with her history,” is to be found at Mr. Galley Knight’s, at Firbeck Hall.|| Her history, indeed, is a sad tale of woe. Mrs. Thompson was an heiress,—the lady Arabella Alleyn, only child of Sir Edmund Alleyn, of Hatfield Peverell, in the county of Essex, bart. and the lady Frances, his wife, daughter of Thomas Gent, of Lincoln’s Inn, esq.,¶ by Isabella, daughter of Francis Thompson, esq., of Scarborough, co. York. Her story is found in the “Case of the lady Arabella Howard,” presented to parliament, in the form of a petition, on behalf of her protestant relations, against the provisions of a bill that, in effect, dis-

\* Luttrell, April 11, 1691.—*Diary*, v. ii., p. 207.

† Pepys, *Diary*, v. v., p. 309. The date of the letter is printed “July 15, 81;” probably for 91; as the duchess could not have referred to her “lord duke desest,” while he was yet living.

‡ She was buried at Arundel. The inscription on her coffin has been copied by Mr. Tiernay.—*Hist. Arundel*.

§ The Mysterious Heir, 8vo., 1816.

|| Fam. Mem., fol., 1836.

¶ Mr. Thomas Gent, who died *vitâ patris*, was son of Henry Gent, of Moyns, co. Essex, esq., and Dorothy, coheiress of Sir John Dalston.

inherited popish heirs. From this source it is ascertained that Sir Edmund Alleyn and dame Frances, his wife, both protestants, died leaving an infant daughter two years old, sole heiress to an estate of about one thousand four hundred pounds per annum.\* Her mother, the lady Frances, who was the survivor, entrusted her child to the care of Sir William Dalston;† out of whose custody, one William Thompson, of Scarborough, esq.,‡ deceased, by indirect means, obtained the infant heiress, and carried her away to his house in Yorkshire. A contest thereupon arose for the custody of the ward: Mr. John Alleyn, her father's next kinsman, and Sir William Jones,§ who had married her father's sister, successively prosecuted Thompson for the abduction; but the latter, evading the law, "at the age of seven years, procured the said Arabella to be married to his son, Francis Thompson;"|| and the more effectually to secure himself from the legal consequences of his act of defiance, conveyed the youthful *fiancée* to France, and concealed her in a nunnery, where she became instructed in the religion of Rome, which she afterwards professed; while he also fled beyond seas. From her foreign durance the petitioner was brought back to England and kept concealed in a little cottage upon a common, without being allowed to see her relations, or having any to converse with but the sisters of the said William Thompson, (who was a

\* Sir Edmund Alleyn died Nov. 2nd, 1656; the lady Frances, the 15th January following. Their daughter, the lady Arabella, was born Nov. 5, 1655; and with all her sorrows she lived to the good old age of 91.

† Of Dalston, co. Cumberland, bart., and Heath Hall, co. York; a royalist, who paid £3000 composition for his delinquency. He died in 1683.

‡ Of Humbleton, in Holderness. He married the heiress of John Barker, of Scarborough.

§ Sir William Jones, Attorney-General to king Charles the Second, married Elizabeth Alleyn, widow of John Robinson, of Dunster Hall, esq.

|| At seven years infancy endeth; and a woman is of age to give consent to the contract.—*Lindw.* At nine years she might claim dower out of her husband's estate, in the event of his death.—*Swinb., Mat. Contr.*

Roman catholic,) until the age of twelve years; and then, by threats and artifices, she was prevailed on to consent to a second marriage;\* by which her husband and his father gained above twenty thousand pounds personal estate, besides seven thousand pounds worth of wood, cut off from her inheritance; which, by such wastes and other neglects, was reduced from one thousand four hundred pounds to one thousand pounds per annum. Nor was this all, for she adds, that during the life of her husband, Francis Thompson,† she was treated in a very inhuman manner by his relatives, because she refused to levy a fine and settle her real estate on the family of the Thompsons; and was beholden to Sir William Jones for bread, until, by his assistance, her husband was compelled to allow her a maintenance—two hundred pounds per annum, and no more,—out of her whole estate.

By this miserable alliance, “the said Arabella had issue one son, namely, William Thompson (who was a protestant),‡ possessed of a very considerable real estate, to the amount of twelve or fourteen hundred pounds per annum, most part of which had been purchased and cleared of debt with her fortune . . . . .”§

The bill before parliament, which proposed “to appoint Commissioners to inquire into the estates of certain traitors and popish recusants, and of estates given to superstitious uses, in order to raise money out of them severally for the use of the public,”|| was a measure that might have been

\* At the age of twelve years a woman is at years of discretion to confirm or dissent from the pre-contract.—1 *Inst.*

† Francis Thompson, esq., was member for Scarborough to the parliament summoned by the prince of Orange, January, 1689.

‡ William Thompson, esq., member for Scarborough in the first parliament of queen Anne.

§ This estate, the petitioner adds, she had released from her claim to dower; and had joined with her son in passing a fine, so as to leave it free for him to settle in jointure or dispose of for his own advantage.—*Case of the lady Arabella Howard.* || Stat. 3 Geo. I., passed 3rd June, 1716.

directed personally against herself; since the lady Arabella declared "it would affect her more than any other person in England." By a clause in this bill the petitioner alleged she would be disabled from making any mortgage or sale of any part of her estate for the supply of her own personal occasions, or any settlement thereof, upon her own relations or family, who were all protestants, and had no suitable estate to maintain their dignity; the real estate of her family having descended to her as heir-at-law, while the dignity went to the heir male. If this bill should pass into a law, said the petitioner, in addition to his own ample provision, her son would have power to sell or give away the remainder and reversion of her said estate, even in her lifetime: and she humbly submitted to parliament, that the Thompsons, who had already received from her family about thirty thousand pounds, and had treated her so ill, should not now, by a new law, have power to prevent her from the disposal of her own inheritance for the payment of her own debts and necessary subsistence, and for the support of her own protestant relations, who had great need of it, in such manner as she might think fit; and yet she was always minded to give her son very considerable advantages from her estate; but desirous that he might receive it as the effect of her kindness, and she not be disabled from making provision for her debts, and her other protestant relations. The petitioner hoped, therefore, upon consideration of the hardship of her case, that nothing would be done to her prejudice; but that the House would think it just to prevent the passing a clause which affected her more than any other person in England; or by some proviso to exempt her and her protestant relations from the severity of suffering by it.\*

\* Case of the lady Arabella Howard, on behalf of her protestant relations.—*B. M. Lib.* 816, m. 5.—84. The lord George Howard and others also prayed by petition to be heard by counsel against some parts of the "Papists' bill."—*Lords' Journ.*, v. xx., pp. 371, 373.

This was the case of a lady—an involuntary Romanist, yet a willing recusant,—advocating her own present rights through the interest of one set of her protestant relations, (who do ultimately appear to have benefited by her bounty,\*) against the power which the proposed law would give to her protestant heir. The lady Arabella was eminently unfortunate: her first husband had not been of her choice; her second had hardly turned out to her mind; for Luttrell, penning the current of domestic events, has placed on record the following memorandum: “1706-7. Thursday, January 23. This day, being the first day of term, the lord George Howard’s lady swore the peace against him.”† The probabilities are that there was not any issue of this hopeful match. The lord George Howard, in his will, mentions neither wife nor children; and the estates he had inherited at his mother’s death, by the will of his father, he devised to his surviving brother,‡ the lord

\* The lady Arabella Howard, in 1714 and 1716, sold several estates in Essex; and between the years 1715 and 1720 (perhaps as a measure of security), conveyed Hatfield Priory and the remainder of her estate to Arthur Dabbs, formerly clerk or book-keeper to Sir John Floyer, who held them till his death, in February, 1751, when, by a reversionary clause in the lady Arabella’s will, they passed to her kinsman, Sir Edmund Alleyn, of Little Lees Hall, bart.—*Morant, Hist. Essex*, v. ii., p. 132. The lady Arabella died 9th July, 1746, and was buried at Hatfield.

† *Diary*, v. vi., p. 134.

‡ An intervening brother, the lord James Howard, on whom the estates had been settled in reversion by the duke, his father, had been deceased some years,—“a bachelor, drowned in the river of Lynn, in Norfolk.”—*Egert. MS.*, 1075. Collins relates that he lost his life in attempting to ride over Sutton wash, in Lincolnshire, in August, 1702.—*Peerage*, v. i., p. 155. Luttrell mentions his death, in the same month, “crossing a river in Lincolnshire.”—*Diary*, v. v., p. 209. At the age of two-and-twenty, the lord James Howard vindicated the honor of his name with a nobility and discretion that bespoke true valour. “A few days since,” writes Luttrell, August 1, 1695, “Sir Richard Atkins fought the lord James Howard, brother to the duke of Norfolk, upon the same account that he *caned* Mr. Medlicot; and after some few passes, his lordship having the advantage, they friendly drank a glass of wine together, my lord denying the accusation laid to his charge.”—*Ibid.*, v. iii., p. 506. Sir Richard Atkins, the second

Frederick Henry Howard,\* with limitations that, taking effect, would afford presumptive evidence of the extinction of intervening heirs male, or loud suspicion of the disherison alleged.

The lord George Howard died at Croydon, in Surrey, the 6th March, 1729, in the fifty-fourth year of his age, and was buried, according to his desire, with his ancestors at Arundel.† By will, dated the 24th December, 1720, he devised the estates he had received from his father,‡ to four trustees, in trust, to raise a certain sum of money to answer debts and legacies; and subject thereto, in trust for his dear brother, the lord Frederick Henry Howard, and his heirs male; and in default, as to Glossop alias Glossop-dale, in the county of Derby, in trust for his nephew, George Howard Standish,§ second son of his sister, Phillippa Howard,|| and her husband Ralph Standish,

baronet of his family, was a Colonel in the army. He died the following year.

\* By a clause in his will, before mentioned (*ante*, p. 347, n. §), Henry duke of Norfolk had provided for the reversion of his estates to his unborn child, if a son; with remainder to his daughters; but by one of his codicils, in revoking the devise to daughters, he overlooked the infant *ventre sa mere*, and gave the reversion, after failure of the issue of James, to his elder son, Thomas.

† Coffin-plate inscription, copied by Mr. Tiernay.—*Hist. Arundel*. “1720, March 13. The lord George Howard (carried away to be buried).” *Croydon Parish Register*.

‡ Namely, the manors of Rotherham, Kymberworth, the Rectory, &c. of Rotherham, co. York; Glossop, alias Glossop-dale, co. Derby; a house at Newmarket; Conisford Gardens, Norwich; houses, tenements and wharf, at Lambeth; lands in Bedford Level, &c. The palace at Weybridge had been sold, in his mother's lifetime, to the countess of Dorchester.

The Yorkshire and Derbyshire manors were portion of the inheritance of the “heiress of Hallamshire,” and came to the Howards by the marriage of Thomas earl of Arundel with the lady Alatheia Talbot.

§ He died unmarried. Besides legacies to other god-children, the lord George Howard left to his nephew, George Howard Standish, a bequest of one thousand pounds.

|| To his sister, the lady Phillippa Standish, the lord George left a rent charge, payable out of Rotherham and Glossop of £200 per annum, after

esq.,\* and his heirs male; in default, in trust for Ralph Standish the younger;† eldest son, and his heirs male; on condition that they take the name of Howard: in default, then to his nephew, Thomas duke of Norfolk and his heirs male, or the dukes of Norfolk in succession. And as to the manors of Rotherham and Kymberworth, with the Rectory of Rotherham, &c., in default of male heirs of the lord Frederick Henry Howard, to his nephew, Philip Howard, and his heirs male; and in default, to Bernard Howard and his heirs.‡

The lord Frederick Henry Howard, a posthumous child, was eighteen years the younger of his brother George, and thirty-six years old when he became the devisee of his will. He was then Captain in the third regiment of foot-guards;§ and, like his elder brother, had taken to wife a widow,

the decease of the lord Frederick Henry Howard. She died in 1731. Ralph Standish, her husband, was still living in 1752, at the age of eighty-two. Of many daughters of the lady Phillippa, the only survivor was Cecilia, who married William Townley, of Townley, and was mother of Charles Townley, in whose person the elegant taste of his ancestor, Thomas earl of Arundel, became a predominant passion, and produced the celebrated collection of marbles, known as the Townley collection.

\* Ralph Standish, of Standish Hall, co. Lancaster, associated with Mr. Edward Howard in the rebellion of 1715, was a sufferer by the confiscation of his estate; and the lady Phillippa, his wife, became a humble petitioner to parliament for relief on behalf of herself and her five poor innocent children.—*Comm. Journ.*, v. xviii., p. 734; v. xix., p. 107.

† Ralph Standish Howard, the 4th June, 1730, married Mary, eldest daughter of George Butler, of Ballyragget, in Ireland, esq., of the Mountgarret branch of the House of Ormond. A contemporary chronicler of events gives the more euphonious address of "Bagshot, in the county of Surrey."—*Hist. Reg.* Two sons, Ralph and Edward, who died in their infancy, are named as the issue of this marriage. Mr. Ralph Standish Howard died of small pox, at Kilkenny, in 1735; and it is recorded by the chronicler before cited, that in "October, 1735, the widow of Ralph Standish Howard, esq. was delivered of a posthumous son and heir."—*Ibid. ad an.* There appears, however, to have been a failure of heirs male; and the manor of Glossop came to the possession of Edward duke of Norfolk.

‡ Ex Reg. Cur. Prærog. Cantuar.

§ Commission dated 1717, July 18.—*Hist. Reg.*

Catherine, fifth daughter of Sir Francis Blake, of Ford Castle, co. Northumberland, knt., relict of Sir Richard Kennedy,\* killed in personal encounter with Mr. Dormier, at Woodstock, in 1710.† The allegation of a writer before quoted,‡ was, that there had been issue of this marriage: had there been so, a male heir would have become entitled to the estates at his father's death, under the will of the lord George Howard; indeed, many years previously, Mr. William Playfair had observed, that a male heir of this alliance would have become entitled to the dukedom of Norfolk:§ a male representative, existing in 1777, would clearly have been so entitled, in preference to the Howards of Greystoke. In this state of things; with the legal estate vested in trustees, and the reversion in his own heirs male, it is not very clear how or wherefore the lord Frederick Henry Howard should have acquired or desired the power of diverting the remainder from the nominees of his brother, to other more remote relations of his own appointment. Beyond including daughters in the settlement, with some interest for the lady Catherine, his wife, the advantage of his own family could not have been improved. Family reminiscences, which his brother had not avenged, more than religious zeal, may have been, in the remote degree,

\* Sir Richard Kennedy, of Mount Kennedy, co. Wicklow, bart., was eldest surviving son and heir of Sir Robert Kennedy, by Frances, daughter of Ralph Howard of Shelton, ancestor of the viscounts Wicklow. After the death of Sir Richard Kennedy, a suit in law was commenced for the Mount Kennedy estate, between the heirs in remainder and the heir-at-law, his daughter, Elizabeth Kennedy, who became wife of Sir William Dudley of Clopton, co. Northampton, bart.; when a rent charge of five hundred pounds per annum was settled on her, in satisfaction of her claim on her father's estate.—*Lodge, Peerage of Ireland*, v. vi., p. 86. Sir William Dudley was son of Sir Matthew Dudley and Mary, one of the coheirs of Henry, seventh earl of Thomond; the other coheir, Penelope, being the wife of Henry Howard, earl of Suffolk and Bindon.—*Ibid.*

† Luttrell, Diary.

‡ T. C. Banks.—*Mysterious Heir*.—1816.

§ *Fam. Antiq.*, 4to., v. vii., App. p. cliii., *Art. Blake*.

a predisposing cause; for while he allowed the reversion of the Glossop estate to the children of his sister, Phillippa Standish, (strict Romanists) to take its course, he diverted the reversion of the Yorkshire manors from his nephew, Philip Howard, and the remainder from the line of his uncle Bernard; who, as popish recusants, were without remedy in law or equity for a wrong sustained. If, therefore, in 1730, there had been any connivance between the head and the junior branches of a Romish family to supersede the inheritance of a (supposed) intervening protestant line, the head of that protestant family had, three years before, set an obnoxious example that might have excited retaliation, if there existed the opportunity of exercising the animosity of religious zeal. The theory, however, is dispelled by the result; for if a protestant heir was disinherited, a protestant reversioner was the immediate occasion of setting him aside. Notwithstanding the trust created by the will of his brother, the lord Frederick Henry Howard also made a will, in the form of a settlement, whereby his wife, the lady Catherine, was to have the enjoyment of his estate for her life; and after her decease, he devised the manor and rectory, &c. of Rotherham, the manor of Kymberworth, &c. to his "first, second, and third sons in succession, and their heirs male; to daughters in succession and their heirs male; and in default, to Francis lord Howard of Effingham, for life; to his son, Col. Thomas Howard of Bookham and his heirs; remainder to his own right heirs, *being protestants*, for ever."\* The lord Frederick Henry Howard died the 16th March, 1727. It has been assumed that he died without issue:† "a portrait of him, half-length," says Mr. Howard of Corby, "is

\* Ex Reg. Cur. Prærog. Cantuar. Will dated November 4th, 1726. By a codicil, dated the 14th February, the lord Frederick Henry Howard devised to his wife absolutely some property in the counties of Nottingham and York; and the tenements, wharf, &c. at Lambeth, in Surrey.

† Egert. MS. 1075.

in possession of lord Effingham, at the Grange, Yorkshire, to whose family, I was told by the late earl, the lord Frederick Henry left his property.”\* Mr. Howard of Corby, however adds, that the lord Howard had a daughter, Elizabeth, who died unmarried:† while Collins and other authorities represent her to have been married to Sir William Dudley, of Clopton, in the county of Northampton, bart.‡ The lady Catherine Howard made her will the 1st July, 1727, leaving all her estate to her daughter, the lady Dudley, and died in January, 1731. But the evidence is very clear that the lady Dudley was a daughter of the first marriage of the lady Catherine with Sir Richard Kennedy; indeed, elsewhere, Collins himself has so stated the fact, on the authority of her husband, Sir William Dudley;§ and a contemporary chronicler of genealogical events has placed on record the whole history.|| If there had been any children of the lord Frederick Howard, they were named neither by father nor mother; and on the de-

\* Family Memorials, 1836. Francis lord Howard of Effingham was an officer of the third regiment of foot-guards. According to the Blake pedigree, he married a sister of the lady Catherine Howard, Susan, sixth daughter of Sir Francis Blake, of Ford Castle, widow of Sir Charles Dalston, of Dalston.—*Playfair*. The Howard pedigrees, however, do not confirm the statement; and the Dalston pedigree, if correct, renders it impossible.  
† Ibid.

‡ Peerage, v. i., p. 155: Id. ed. Sir Egert. Brydges, v. i., p. 135: Edmondson.  
§ Baronetage, v. iii., p. 125.

|| 1731, January 22. Dy'd the lady Catherine Howard, widow and relict of the late lord Frederick Howard, and formerly of Sir Richard Kennedy, of Mount Kennedy, in Ireland, bart. She left issue only, a daughter, by Sir Richard, Elizabeth, married to Sir William Dudley, of Clopton, co. Northampton, bart., to whom, and her issue by Sir William, she hath left the bulk of her estate. By her death, a rent charge of £350 per annum fell to Robert Jones, esq., of Westminster.—*Gent. Mag.*, v. i. This rent charge was payable out of the Mount Kennedy estate. The reversion, probably, was only nominal; for Mr. Jones had long held the estate, and withheld payment.—*Comm. Journ.*, v. xx., p. 779; v. xxi., p. 521. Under the will of her father, Sir Francis Blake, the lady Catherine Howard had an annuity of £60 per annum.

cease of his wife, the lady Catherine, the inheritance of any heir of her second husband in his Yorkshire manors, passed to the Howards of Effingham. Rightfully or otherwise the occurrence took place when Mr. Edward Howard was forty-five years of age; at a period singularly co-incidental with the settlement of duke Thomas, and with his own accession to the family honors, when his brother's reversionary arrangements must necessarily have been brought to his immediate knowledge.\* Mr. Bernard Howard of Winchester had run his race; and the checkered career of his son, Mr. Henry Howard of "Sheffield," had been all within view of duke Edward's knowledge or personal observation. Mr. Charles Howard of Greystoke had passed from childhood to old age, if not under his eyes, within the possibility of his cognizance; while Mr. William Howard, more nearly in contact, it has been admitted,† received his income—whether of right or as bounty—from his hands; and his son, the young Walter, from childhood had been an object of the duke's caresses and regard. Were they or not of his noble lineage? Were they descendants of the "protestant" branch? Were they of the Greystoke line? If Mr. William Howard had been a younger scion of the house of Greystoke, there had been no irregularity in the settlement which has been called in question; since his son, Walter, would have become entitled as heir to Charles duke of Norfolk in 1815, in preference to the line of Sheffield; while, as alleged in the work before quoted,‡ if the descent of Mr. Walter Howard had been deducible from a son of the second marriage of Henry duke of Norfolk, his right certainly accrued in preference to that of Mr. Charles Howard of Greystoke; and such a priority, from some traditionary source, does appear to have been entertained, several years before the publication of Mr. Banks indicated a possible descent from that source. Thus,

\* Mr. Edward Howard was nominated executor, and proved the will.

† Ante, p. 13.

‡ The Mysterious Heir.—1816.

in the lifetime of the last Charles, duke of Norfolk, it was publicly stated in print, that "Mr. Walter Howard had represented himself to be a nearer relative to the former dukes of Norfolk than the *present* possessor of that title;"\* and the later advocate replied to his own question of the identity of the same unfortunate gentleman, "that they who undertook the charge of his education best knew his descent, though there might have been some object for concealing it.† Whatever influences may have surrounded him, Duke Edward could have had no other motive, if any, than the one imputed to him—a desire of perpetuating the family honors in a Romish course of descent,—a desire that,—if entertained, as though all his earthly aspirations had been foredoomed to disappointment,—was not fulfilled.

The days of our age, saith the psalmist, are three score years and ten. Edward duke of Norfolk had long outnumbered the allotted span of human life. In 1777 he had attained the patriarchal age of ninety-two; and in May of that year his last will and testament was made in due form, befitting his high rank, "on two skins of parchment and engrossed in duplicate."‡ In that document the

\* Examiner Newspaper, August 30, 1809.

† The Mysterious Heir; or, Who is Mr. Walter Howard? 1816, p. 9.

‡ The duke's will bears date the 21st May, 1777; "Henry Howard of Sheffield," and Thomas Eyre of the same place, were the executors appointed; and they proved the will in the Prerogative Court of the Archbishop of Canterbury, the 9th October, the same year. The maintenance of the family honors had been the object of the settlement of 1767; the same end is apparent in the will; and to further that view, the executor under the latter and the remainder man under the settlement (one and the same person) and the immediate heir, are placed in the amiable juxtaposition of the cat and the mouse. It is directed by the will, that the executors may retain possession of all the duke's mansion houses, and keep house therein for the space of three months after his decease, for the purpose of making exact inventories of the contents, which are to pass with the same in the nature of heirlooms, and are to be maintained in tact; any plate, &c. which may have become old fashioned or require renewal, to be replaced by the tenant in possession for the time being, with other of the same or greater value. And the residuary legatee (the remainder man and executor

settlements he had made ten years before are referred to, "Charles Howard, esq., of Greystoke," being mentioned as his successor, without further recognition. "Mr. Henry Howard of Sheffield," whom he had aforetime patronized in sundry ways,—at this time nominated one of his executors and constituted residuary legatee, is described his "kinsman." Mr. William Howard, whom it has been represented was a pensioner on his bounty—had he been so, was left to destitution, being wholly unnoticed; while Walter, his son, whom the duke had fostered from early childhood, nevertheless a legatee, has no description by which any recognition of relationship or family identity might possibly be discovered. In cold acknowledgment it professed to promote the views with which he had been shipped abroad; in chilling charity it supplied the means—ample perhaps for the time—of attempting in action those honorable commercial suggestions of the prospective successor to the ducal honors—to become a "useful great merchant," with every discouragement from adopting the life of a "poor hang-on gentleman;"\* for the condition of the legacy plainly said, "Howard though you be: aspire not beyond the humble path assigned to you, or on a pittance starve." After a few annuities to persons who had hitherto received his annual bounty, and legacies to friends and servants;† "I leave," recites the duke's last will, "to Mr. Vincent Eyre, (trustee of his other like bequests) the sum of one thousand five hundred pounds South Sea Annuities, with the accumulations thereon, in trust for Walter Howard, now residing with Mr. Searle, at Oporto, to be sold, and the proceeds paid to him, in case he shall enter

before named) is further favored by directions, that any person who becomes so possessed of personalty, as wines in his cellars or provender in his stables, and so forth, shall pay for any that shall not have been paid for at the time of his decease. In such manner did the duke's will equalise the sweets to his immediate heir. Ante, p. 29.

\* Ante, p. 41.

† Vide ante, pp. 14, 43.

into any respectable trade with the concurrence of my said trustee; and if he shall not enter into any such trade, then the interest only to be paid to him during his life; and after his decease the said stock may be disposed of in such charitable purposes as my said trustee shall think fit.”\*

The long life of the duke was now fast drawing to its close. The act of the twenty-first of May was the last worldly performance that society and his friends demanded of him; and from that date he might be considered free to make his bow and retire behind the curtain. Exceeding in years the allotted age of man, his way of life had long fallen into the sear and yellow leaf;—the last pendant *folium* of a withered branch, that the heat of autumn dried up and cast to the ground.

The will of duke Edward, beyond the legacy to Walter Howard, to promote his future honorable exertions, has little bearing on the case. It is, however, only just to assume that the duke would not have left the father destitute, had he been hitherto dependent on him for support. The income that Mr. William Howard received by the agency of the duke’s steward, must therefore have had another source than the pellucid stream of charity that flowed on the son; but in default of any knowledge of the origin of an admitted fact, the question of family identity receives no light; the allegation of a family compact no disproof; and it remains to be asked whether duke Edward had exercised independent action in the settlement he had made, or had blindly followed the previous dictation of his brother Thomas. Suddenly and unexpectedly called upon in his extreme old age to seek an immediate heir among collateral relations, had he, in fact, that faculty of knowledge which his years rendered so probable? Had he at that time, in his disappointment and despair, sufficient energy remaining to exercise his presumed knowledge to a disposition consistent with legal heirship? or did he become

\* Ex Reg. Cur. Prærog. Cantuar.

the dupe of any interested persons immediately around him? Yet it can scarcely be doubted, if the question raised half a century later, *Who is Mr. Walter Howard?*\* had arisen in the lifetime of duke Edward, that it was within compass of his knowledge to have answered it. In face of the facts disclosed, one of two results appears inevitable; either that Mr. Walter Howard was very distantly, if at all, related to the ducal family; or, for some family reasons, in his own words, "his descent had been obscured, and he had been disinherited of his birthright."† ' It was not, however, the parentage of the boy whom the duke fostered in his youth, and did not wholly forget in his manhood, that at this time could have been in question; that was known, and has not been doubted; it was the parentage of his father, William Howard, somehow or other associated with the ducal house in the receipt of his income, that it had since become interesting to ascertain; and at the date of his birth the duke was forty years of age. That he could have resolved the mystified question of the parentage of Mr. William Howard there can be little doubt. A man in the exalted position of the duke would hardly have become, under any circumstances, interested as trustee or steward of the income of one, of whose family he had no knowledge; nor without such knowledge would the duke have become the patron, or recognized as an object of his benevolence (had it been so) a person of his own family name. In such a case mere charity would have become cautious, inquisitive, and required some proof of claim, not less to the relief granted, than of the right to bear the distinguished patronymic; for while a total stranger in blood, bearing his name, would have been looked upon with suspicion and distrust as entitled to

\* *The Mysterious Heir; or, Who is Mr. Walter Howard?* By T. C. Banks, esq., 8vo.—1816.

† Address to the House of Peers, 1806; Appeal to H. R. H. the Prince Regent, 1812, &c.

notice, "there is always," says Archdeacon Paley, "a reason for providing for one's poor relations, in preference to others who may be equally necessitous, which is, that if we do not, no one else will; mankind, by an established consent, leaving the reduced branches of good families to the bounty of their wealthy alliances."\* The groundwork of either proposition, therefore, inevitably rests on a knowledge of the personal claim; to wit,—the right to bear the family name, and the affinity in blood, in some degree, to the parent stock.† That Mr. William Howard inherited these rights cannot be doubted; nor indeed have they been entirely disputed, though the officers of the "guardian of the rights of the peerage,"‡ were not fortunate in the ancestor they subsequently proposed for the acceptance of his son; but that the name of William Howard, as so connected, was not unknown to persons familiar with the particular and personal history of that day, may be gathered from the startling fact, that a publication edited with great talent, and almost exclusively devoted to historical and genealogical inquiries, recorded the death of the duke in the following terms:

"1777. Sept. 20. Died, his Grace, Edward Howard, duke of Norfolk and hereditary Earl Marshal of England, aged 92. His Grace is succeeded by his nephew, *William Howard. esq.*, of Greystock!"§

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\* Moral Philosophy, v. i., p. 227.

† On this principle only can the following argument be maintained. "It is shewn," says Mr. Banks, "that Edward duke of Norfolk so far considered this unhappy gentleman (Mr. Walter Howard) *to be one of his kindred*, as to take notice of him in his will. If this notice was not very ample in its provision, it still was an *acknowledgment of family connection*."—*The Mysterious Heir*, p. iv.

‡ Vide ante, p. 23. Herald's Office Pedigree.—*Appendix*.

§ Gent. Mag., v. xlvii., p. 460.

## CHAPTER VIII.

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As I remember, Adam, it was upon this fashion bequeathed me: By will, but a poor thousand crowns; and, as thou say'st, charged my brother, on his blessing, to breed me well.

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## THE HEIRS OF ENTAIL.

THE envious brothers of Henry duke of Norfolk shared the lot, too frequently, as report sayeth, of younger sons: and the younger sons of a nobleman who had little in possession, and that sadly encumbered, were not likely to be richly endowed. Thus it happened that Mr. Charles Howard, fourth son of Henry Frederick, earl of Arundel, on the decease of his noble parent, in 1652, found himself heir to three fourth parts of the manor of Dorking;\* and was necessitated to make his philosophical contentment on an estate of fifteen acres, in a humble "cottage of one floor—his principal apartments being his little dining-room, kitchen, chapel, and an elaboratory," situate in the hope of a heathy mountain, in a secluded part of the county of Surrey.† But the age was Cromwellian, when romanism required shade; and a philosopher twenty-five years of age, Mr. Charles Howard had been the occupant of his modest possession three years when Evelyn sought his

\* One-fourth part of the manor of Dorking was a very ancient possession of the Howards, acquired by the marriage of Sir Robert Howard with Margaret, one of the coheirs of Thomas Mowbray, duke of Norfolk, and his duchess, Elizabeth Fitzalan. Two other fourth parts were purchased by Thomas earl of Arundel, grandfather of Mr. Charles Howard.

† Aubrey, *Hist. of Surrey*, v. iii., p. 211.

"solitarie recess," his amphitheatre of rare plants, and beheld the elaboratory\* where he experimented on the chemical capabilities of his small property for agricultural improvement, and sought to turn his limited resources to the best commercial account. His garden walks, narrow as his means, bordered with every variety of herb that came within his observation, were arranged less for ornament than horticultural use; the "planting and ordering" of saffron was a profitable employment of his land; and its manufacture into the cakes of commerce, the purpose of those "caves," the chimnies whereof might still be seen when the county historian, Manning, visited the spot.† The economy of his "boscsages"‡ brought him into communication "with the principal tanners of Leadenhall;" for he discovered, in the loppings and toppings of certain other trees, properties that might be brought into profitable aid of the bark of the oak in the manufacture of leather.§ Under this frugal management the admiration of Evelyn was limited to the "extraordinary."|| If the taste for landscape improvement had been present to the owner, the superfluity that breeds indulgence was wanting, that effected the expensive designs of the amateur at Albury; and if Evelyn left any record of his visits to his friend at Deepden, it was probably the suggestion of the uncom-

\* Diary, Aug. 1, 1655, v. i., p. 308.

† Hist. Surrey, v. i., p. 562. "An Account of the culture or planting and ordering of Saffron, by the hon. Charles Howard, esq.," communicated to the Royal Society, March, 1678, will be found in the *Philosophical Transactions*, No. 138, v. xii., p. 945. Mr. Howard estimated the profits at twenty pounds per acre. A Saffron kiln, presented by Charles Howard, esq., was among the "rarities" in the repository at Gresham College.—*New View of London*, 1708.

‡ Aubrey.

§ "Brief directions how to tan leather according to the new invention of the hon. Charles Howard of Norfolk, experimented and applied by divers of the principal tanners of Leadenhall market." Communicated to the Royal Society, July, 1674.—*Philosoph. Trans.*, No. 105, v. ix., p. 93.

|| 1671, Sept. 13. I went to visit Mr. Charles Howard, at his extraordinary garden at Deepden.—*Diary*, v. ii., p. 52.

pleted "passage through the sandy hill"\* that bears such remarkable identity of taste with the unhappy *Pausilippe* at the neighbouring seat of the elder brother.

Economical propensities that savoured of industry, with a grovelling adjunct that might have reference to the laws of necessity, were "eccentricities" in a gentleman of noble blood that his illustrious grandfather would have disdained, and his literary descendant was fain to shadow beneath the wayward deviations of a sublime spirit from its natural orbit. Nevertheless, with a "fortune rather narrowly circumscribed than otherwise,"† Mr. Charles Howard was not without ambition or hope, of a character less exceptionable to gentility than the vulgar profits of saffron cake and factitious tan: nay, he had contingent hereditary rights; and not of inconsiderable moment to the future of his house, he had placed his domestic happiness on the daughter of a gentleman‡ by whose aid he was enabled to contest,—successfully contest—with the dukes, his brother and nephew, his contingent right of succession to the noble manor of Greystoke, in Cumberland. If he had failed!—if the decree against him had not been reversed by the final award of the lords in parliament,§ where, in the ordinary current of decadence, might Edward duke of Norfolk, in 1767, have discovered his collateral heir? Where then might have been sought the descendant of the fourth son of Henry Frederick earl of Arundel? The representatives of greater men have been found in the mechanic—in the day labourer! His own county might illustrate the fact of men in the most lowly rank of life, whose proud ancestors stood high in the presence of kings—whose

\* Through the sandy hill a walk or passage is to be pierced, through which, as through a tube, you shall have a *vista* over all the south part of Surrey to the sea.—*Aubrey, Hist. of Surrey*, v. iv., p. 165.

† *Hist. Anecdotes, &c.*, by Charles Howard of Greystoke, esq., p. 126.

‡ Mary, daughter of George Tattershall, of West Court, Finchampstead, co. Berks, esq. Vide ante, p. 195, n. †.

§ Ante, p. 196.

effigies may yet be seen surmounting the altar tomb in the parish church—whose shield of arms yet intercept the sun's rays through the windows of the ancient mansion whereby the humble descendants now plod to daily toil.\* Yet, in the prolonged—the doubtful—contest, to what fearful resources had necessity compelled him to resort! A manuscript letter at Norfolk House, has reference, says Mr. Tiernay, to some pretended service rendered to Mr. Charles Howard, by “one Wilcox, an associate of Otes!”—whose demand for remuneration being “naturally resisted, Otes, who was evidently to share in the spoil, was called in by his friend to settle the dispute, and soon extorted a promise of payment;” though Howard, still reluctant to yield, hung back from the fulfilment of his engagement, and entreated his “new plunderer” that “he would a little consider the wrongs he suffered.” Consider? How vain the appeal, under any circumstances, to a man living in the desperate luxury of the price of blood! The letter, however, has direct reference to personal services, past and future, in reference to his “cause;” and the time and circumstances are so coincidental with the struggle for possession of the Greystoke manor, that little doubt can exist the fearful interest of the infamous Otes—(who could dictate terms and bluster threats in the council chamber)†—had—in some way—been proffered for gold, to bear on the result:—

\* A family of estate, it has been observed, becomes reduced to poverty in about three hundred years. Noble families are maintained in position not more by the marriage of heiresses than by the continuous settlement of their estates in strict entail,—which, while it maintains the heir in his dignity, affords support and gives character to the cadets of the house. Let our legislators beware how they trifle further with the inheritance of land.

† 1679, Jan. 4. T. Oates, not content with ten pounds a week, petitions for more. 9th. T. Oates tells the lords in plain terms, that if they will not help him to more money, he must be forced to help himself. 23. T. Oates desires the Council to let him have all the names of the Jesuits that he may sue them to an outlawry.—*Pointer's Diary*.

"SIR,

"I have taken paines in your buisness, and have had not any advantage but my labour for my paines. *You may have an occasion to use me in p<sup>l</sup>t. (parliament) when your cause may come before either Lords or Com<sup>ons</sup>, or both; but, if you breake yo<sup>r</sup> word with mee at this rate, you will finde mee but cold in appeareing for you there, or in any other occasion.* I have done you justice in this, and if you stand not to that award, you will finde mee severe in other respects: for in plaine termes I cannot keepe *friend<sup>sh</sup>* with any man that values not his word; and further, let mee tell you, *that your house will not protect you from mee.* However, if you comply with your word upon honour to me,

"I will appear, SIR,

"Yo<sup>r</sup> affect<sup>o</sup> Ser<sup>t</sup>,"

"June 30th, 81.

"TITUS OTES."

"To the Hon<sup>ble</sup>. Charles Howard, esq<sup>r</sup>."\*

"Friendship?" How fearful the association! How dreadful the menace, "your house will not protect you from me!" Only six months before the date of this letter of his "affect. Servt.," Mr. Charles Howard's uncle, the unfortunate viscount Stafford, had suffered decapitation on Tower-hill for an alleged plot, on the evidence of Mr. Otes and his associates;† and now, with the Privy Council under the influence of his "disclosures," he held the nephew at his mercy,—within his grasp; his life, and the fortunes of his family dependent on the will of a man whose *oath* alone sufficed to give proof of the wildest assertions—the most improbable events—that might accord with the excited temper of the time.‡

\* Tiernay, Hist. Arundel, p. 539.

† On the scaffold the viscount Stafford, declaring his innocence, averred, "upon his death and salvation, that, to his knowledge, he had never spoken one word to or even seen Otes until the time of his trial." When too late, his peers gave him credit for having spoken the truth.

‡ Otes, however, had reached the climax of his career. The execution of the viscount Stafford had been the crowning act of his infamy. Too

But Mr. Charles Howard overcame the threats of his "friend," the difficulties of his position, the mediocrity of his fortunes; and at the age of eighty-three, the philosopher in his Surrey dell, resigned to his son a name not dishonored in his inheritance, and a designation that he had won. Deepden, expanding in dimensions with the increasing importance of his descendants, had become a stately mansion, in a park that measured miles in circumference,\* and had passed from his family as too confined for the dignity of his latest heir, when a marble tablet placed in the ruined wall of his laboratory, in very ladylike verse, recorded his earlier possession, and handed his "superior talents" down to fame:—

If worth, if learning, should with fame be crown'd ;

If to superior talents fame be due—

Let Howard's virtue consecrate the ground

Where once the fairest flowers of science grew.

Within this calm retreat, th' illustrious sage

Was wont his grateful orisons to pay ;

Here he perused the legendary page,—

Here gave to chymistry the fleeting day.

Cold to ambition, far from Courts removed ;

Though qualified to fill the statesman's part ;

He studied nature in the paths he lov'd,—

Peace in his thoughts, and virtue in his heart.

daring in his unexampled success, his attempt to criminate the duke of York and the queen in the plot to assassinate the king, brought him to discredit; and two months after the date of his insolent letter to Mr. Charles Howard,—his pension of ten pounds per week having been "cut short," it is recorded,—“ Aug. 30. Titus Oates, for his impudence, is turned out of his lodgings at Court, and forbid the *Council Chamber!*”—*Pointer's Diary*. His fall was then as rapid as had been his rise; and his sufferings as cruel as might be the revenge of a party credulous enough to have been the dupe of his impositions. Such a man in the council chamber may naturally be expected to have set his assumed influence at a price, whenever and in any way that he might have a colour of pretence.

\* Enlarged by the annexation of the Chart Park and Betchworth Castle estates, the Park at Deepden measures twelve miles in circumference.—*Brayley, Hist. Surrey, v. v., p. 89.*

Soft may the breeze sigh through the ivy boughs  
 That shade this humble record of his worth;  
 Here may the robin undisturb'd repose,  
 And fragrant flowers adorn the hallow'd earth.\*

Let the lark by day, and the nightingale in summer twilight, prolong the song of praise; and may the New Zealander gather blackberries on the mouldering ruins of the Victoria Tower long ere any ruthless building club shall desecrate the scene hallowed by Burrell's muse! But it is very questionable whether her ladyship, in the plenitude of her eulogium, has not consecrated the virtues of distinct persons,—whether, in fact, she has not rolled into one panegyric the peculiar characteristics of several generations of the Greystoke Howards; *mais n'importe*:—

As virtues constitute the happy man,  
 The poet's rule is—"muster all you can;  
 Cull the best flow'rets of the choice parterre;  
 Seize on your hero's head, and plant them there!"

It was late in life with Mr. Charles Howard when the final decision of the Lords in parliament, by reversing the decree of the lord keeper North,† awarded to him "the residue of a term of two hundred years in the manor of Greystoke;" and improved the worldly prospects of his house by a very important and timely addition of fortune; which he lost no time in securing by settlement to his heirs.‡ But the trial had been long; his philosophy and health had been grievously tried§ in the contest of flickering hope and fear that had attended the varying aspect of a

\* Ibid., v. v., p. 81. The lady Sophia Burrell was daughter (and one of the two coheiresses) of Charles Raymond, of Valentine House, co. Essex, esq., created baronet in 1774. She married William, third son of Peter Burrell, of Beckenham, co. Kent, esq., on whom her father's baronetcy had been settled in reversion by the terms of the patent. In 1791 Sir William Burrell, a distinguished Fellow of the Antiquarian Society, and Collector for a History of Sussex, became purchaser of "*the Deepdene*."

† Ante, p. 106.

‡ Hist. Anecdotes, &c., by Charles Howard of Greystoke, esq.

§ Ante, p. 194.

doubtful case; and though decided in his favour, after seven years had elapsed "several matters were yet in dispute."\* It was an unhappy business; the wrong of the parent had descended for retribution on the son: the contest of the brothers had resulted in a decree for recompense against the nephew—not too well furnished with the means readily of complying with the terms of the award;† and tradition relates, that in part settlement of a considerable claim for costs, and rents received by his ancestor in wrongful possession, Mr. Charles Howard accepted a beneficial lease, for a term of years, of certain premises erected on the site of Arundel House; and in "Norfolk-buildings," took up his residence for a few years, until the decease of Mrs. Mary Howard, his wife, in 1695, induced him again to withdraw to his Surrey retreat.‡ Hence it happened, at a later period, when his "occasions" drew the recluse to the metropolis, and he was sought by his colleagues§ or scientific friends, that he was to be found at another address; and Dr. Woodward|| wrote to Dr. Battely,¶ "Mr. Howard lodges at the house of Mr. Small, in the Piazza, in Covent Garden."\*\* He died at Deepden, in the spring of the year 1714, and according to his desire, "in as private a manner as possible," was borne to the repose of his wife and several children, in Dorking church. His son and heir, "Henry Charles Howard, of St. Clement's Danes, esq."†† "as well known as most private gentlemen of his time,—with a fine taste for the polite arts,"‡‡ was

\* Ante, p. 233, n. †.

† Ibid.

‡ In his will, dated 29th April, 1696, he is described, "of the parish of St. Clement's Danes, esq." Proved 1715, in *Reg. Cur. Prærog. Cant.*

§ Mr. Charles Howard was a Fellow of the Royal Society.

|| Sometime Professor of Physic at Gresham College.

¶ Archdeacon of Canterbury: author of the *Antiquit. Rutupinæ*, &c.

\*\* Letter dated February, 1706.—*Nichols, Lit. Hist. of the Eighteenth Cent.*, v. iv., p. 101.

†† So described by himself in his Will, in *Reg. Cur. Prærog. Cant.*

‡‡ Historical Anecdotes, by Charles Howard, esq.

that uncompromising Romanist who withstood all accommodation for a moderate adjustment of the "catholic claims," at a time when the historian of his party admits to have been particularly favorable for such a result.\* The prominence of his interference and the weight of his authority shadow the character of a man of action, zealous to imprudence for the domination of his church; with little beyond his family connection and name to entitle him to represent the gentlemen of England of his particular faith; for, exclusive of the northern manor which his father had been fortunate enough to add to his inheritance, the revenue of his estate, by his own statement, was of very inconsiderable amount.†

Mr. Henry Charles Howard survived his father little more than six years. He died in June, 1720, in the fifty-second year of his age. By his will, made a day or two previous to his death,‡ he bequeathed his plate and pictures to his "eldest son, Henry Howard, or to any other son that may become eldest son;" and to his daughter, Mary Howard, a legacy of five hundred pounds; and named no other children; yet by repute he had other daughters; and by inference other sons. The legatee, Mary, and Catherine, younger daughters, are represented to have died in France, in early youth;§ and Frances, their elder, lived to old age.|| The eldest son, Henry, "died under age and unmarried, at Douay. His name is in Bigland's pedigree,

\* Butler, Mem. Engl. Catholics. "A settlement," says Mr. Charles Howard, "than which nothing could be better calculated for their own welfare, and the peace of their country."—*Hist. Anecdotes*, p. 129. Yet Mr. Howard has so completely reversed the character and interference of his parent at this interesting crisis, as to call forth the correction of Mr. Tiernay.—*Hist. Arundel*, p. 559.

† "Recusants who have registered their estates according to the late act of parliament to oblige them to enter the real annual value. Henry Charles Howard—£271 10s. 3d."—*Aubrey, Hist. Surrey*, v. v., p. 399.

‡ Dated 8th June, proved 1st July, 1720; in *Cur. Prærog. Cant.*

§ Indic. of Fam. Mem. by Henry Howard of Corby, esq.

|| *Ibid.*

at Greystoke: nothing further known.”\* Thomas, *third* son, according to Collins† and Bigland,‡ died at Montpellier, unmarried.§ The *second* son and heir, Charles Howard, esq., says Collins, is now living at Greystock, 1755.|| Dates, however, seem to infer that Mr. Charles Howard was the youngest child of his parents; and Thomas duke of Norfolk, twenty-five years earlier, had described him *third* son;¶ but the time of his birth has been so variously stated, and the absence, in catholic families, of the ordinary evidence of birth by record of the baptismal registry, admits so much of doubt where discrepancies are present, that it is hardly surprising to find an expert genealogist entertain the notion, that Mr. Charles Howard, who wrote the “Anecdotes” of a family of which in reality he was so deficient of correct information,\*\* and succeeded to the dukedom of Norfolk as heir of the Greystoke line, was, in fact, son of another member of the Howard family in the line of succession; and that the male line of the Howards

\* Indic. of Fam. Mem. by Henry Howard of Corby, esq.

† Peerage, v. i., p. 152.

‡ Pedigree at Greystoke Castle.

§ Indic. of Fam. Mem. by Henry Howard of Corby, esq.

|| Peerage, ut supra.

¶ Ante, p. 344, n. ‡.

\*\* A curious series of blunders occur in his short notice of the lord Howard of Eserick, “a member of Oliver’s parliament.”—“I wish,” adds Mr. Charles Howard, “I could draw a veil over his turning evidence against his friend, *John* lord Russell; for though what he swore in all probability was true, it ill became him, who was equally involved, to accuse his friend: a more delicate mind would have fled his country first; at least he should have made terms for his life, which in all probability he might have obtained.”—*Hist. Anecdotes*, &c., p. 114. Could the amiable writer’s wish have been gratified, the veil had been superfluous for that member of the noble house of Suffolk. *Edward* lord Howard of Eserick, the politician of Cromwell’s time, whose eccentric course is to be found in the records of the great rebellion, died in 1678, some years before the *Rye-House Plot* involved the heir of the house of Bedford. It was his second son, *William* lord Howard of Eserick, whose career of infamy included falsehood to his friend; and every reader of history will remember that *William* lord Russell, the stanch advocate of the protestant cause, was the victim whose life, if it was in the power of his betrayer to imperil, it had never been in his power to save.

of Greystoke had become extinct by the failure of heirs of Mr. Henry Charles Howard, who died in 1720.\* If the date of his birth, given by Mr. Henry Howard of Corby,† and by Mr. Tiernay,‡ be correct, namely, December 1st, 1720, Mr. Charles Howard was a posthumous child, born about six months after his father's decease; and could not have been second son, as represented by Collins,§ a contemporary writer of much authority, supposed to have been well informed. If the age, at the time of his decease in 1786, be correctly stated at sixty-eight years,|| Mr. Charles Howard was born in 1718. But Mr. Henry Howard of Corby, the industrious collector of memorials of his family, describes, at Norfolk House, a portrait of the same gentleman, sitting at a writing table, "*Ætatis 40, painted after he became duke of Norfolk;*"¶ a statement which, if correct, must place his birth in or after the year 1737, when his reputed parent had been deceased seventeen years! The doubts, however, that induced the genealogian, Banks, to impute a supposititious character to the heir of the Greystoke line, were based on other circumstances of apparently grave aspect. He discovered that in the year 1750, "Frances Howard, spinster, representative of Henry Charles Howard, had letters of administration, with his will annexed, granted to her, over unadministered property of his late father, Charles Howard of Deepden, who died in 1714."\*\*\* This evidence of representation, under the authority of a grant of the Consistory Court of the Archbishop of Canterbury, in the opinion of the genealogist, seemed to cast a doubt on the identity of the gentleman who represented the heir

\* The Mysterious Heir; by T. C. Banks, esq.; 8vo., 1816, Ped.

† Indications of Fam. Mem., 1836.

‡ Hist. Arundel. Mr. Tiernay cites *Stem. Fam.* for his authority.

§ Peerage, v. i., p. 152. Edmondson represents Mr. Charles Howard to have been *fourth* son.—*Baronagium*, v. i. || Tiernay, Hist. Arundel.

¶ Indications of Fam. Mem., fol., 1836.

\*\*\* The Mysterious Heir, 8vo., 1816, Ped.

of the Greystoke line: a memorandum in the same registry, of a little earlier date, presents other facts having reference apparently to the same right of representation. On the 8th October, 1748, letters of administration, with the will annexed, of goods and credits left unadministered by the late Mary Howard, her mother, had been granted to "Frances Howard, spinster, daughter and only surviving residuary legatee of Mary Howard, deceased, and as such, only surviving residuary legatee of Henry Charles Howard."\* Miss Frances Howard was the sole representative of her father and mother, entitled to the decree of the Court. Such then were the facts that induced a genealogist of some note to suppose the family extinct in the male line. In such a case, Miss Frances Howard was the last of her family; and she, solitary maiden in a world of care, sought the cloister, where—

Heavenly pensive contemplation dwells.

"She died unmarried, and a nun," writes the chronicler of the Howards; "I do not make out the time of her birth: she died in 1771. There is a full length portrait of her in the habit of a nun, with a *death's head* on the table, at Greystoke Castle. And at the same place, a very curious and elaborate pedigree, dedicated to her by a French genealogist, in which he makes out her pedigree from the kings of Spain, France, England, the Stuarts, earls of Flanders, Burgundy, Champagne and Hainault; as well as her descent from the Veres and other English families."† Why this parade of ancestry,—why this flattery of the wily Frenchman, dedicated to a lone woman, unless in her,—

\* Ex Reg. Cur. Prærog. Cantuar. Mary Howard was sole executrix nominated by her husband, Henry Charles Howard; and proved his will, 1720. Henry Charles Howard was executor and representative of his mother-in-law, Mrs. Helene Aylward, deceased.—*Ibid.* See Ped., p. 27.

† Indications of Family Memorials, by Henry Howard of Corby, esq., fol., 1836. "The genealogy is continued," adds the same writer, "and other descents given, of Broase, Segrave, Albini, Mowbray, Fitzalan, Scales, Molins, Tilney, Stafford, Talbot, Strange, Furnival, Verdon, Stuart (kings

sole heiress of her house,—had been centred the homage due to the last representative of a noble race? And then—the *death's head*? Though in the symbolism of the ascetic it might be considered the ordinary *memento mori*,—the stock furniture of those—

— deep solitudes and awful cells,  
Where ever-musing meditation reigns;

yet in heraldic significance the *caput mortuum* is the known crest of an extinct line: in the poetry of the herald it is symbolical of the last of a family; and on his or her funeral achievement implies that “death has conquered all.”\* Under these apparently adverse circumstances, the only alternative that occurs for the family identity of Mr. Charles Howard, who, according to Collins, was living at Greystoke in 1755, is still to assume it possible that he might have been *heir of entail* under the settlement of Charles Howard of Deepden, and that Miss Frances Howard might yet have been the *only surviving residuary legatee*, by testamentary representation, of personal estate. They are found acting together in the prosecution of a joint claim to participate in the succession to the personal estate of “Michæel Trublet, their uncle, who died in France;”† the letters of

of Scotland and dukes of Lennox) Grymthorp, Dacre, and Tattershall Howard; with arms beautifully emblazoned, by Ralph Bigland, Somerset Herald. To which are added some sketches of ancient monuments of the Howard family: the whole carried up to 1763.”—*Ibid*.

\* Clarke, Introd. to Heraldry.

† Ante, p. 27. Faithless France! Whenever has she been true to England? What treaty may bind her to honorable reciprocity? The claim of Miss Frances Howard and Charles Howard, esq. of Norfolk, advocated by the Ambassador of England at the Court of France, certified by the lord Chief Justice, the lord Advocate, and the Attorney-General of England, as a just claim under the Statute of Distributions, nevertheless was rejected by the Judges of the Chatelet, before whom the claim was preferred. “The Statute of Distributions,” say the French lawyers, “is not the treaty of Utrecht. How do the laws of England understand the treaty of Utrecht, and particularly the 13th article thereof?”—“The laws have been executed in this particular with the utmost exactness on the part of England,” was

administration granted to Miss Frances Howard may have had reference to such claim; and whatever the doubts of the genealogist when the question had become merely a subject of historical inquiry, affecting the interest of none save the postponed succession of the heirs in remainder, who had made no objection to his precedent right, when it occurred, the presumption of identity of the heir of Henry Charles Howard with the first Charles duke of Norfolk need not now be disturbed. Whether or not sanctioned by the customary rules of admission to titular honors, and his right supported by the ordinary evidence of descent,\* the melancholy philosopher known as Charles Howard of Greystoke, became duke of Norfolk, lord of many lands. Possessed of estimable qualities that may become and do honor to any station of life,—more of the philanthropist than the misanthrope; yet a prey to some secret anguish,—or the same reflective melancholy that, with the means, position and family prospects that might have charmed a woman with the world, drove his sister into monastic seclusion,—added to a morbid sense of persecution, religious and political,—“the anecdotes,” says Mr. Tiernay, “still related of his eccentric manners and more eccentric habits, bear sufficient testimony of the feelings which weighed continually on his mind.”† In the enjoyment less of the parade of his state than in the modest retirement that to him was dignified ease, let us leave him in his solitude while the family of his heir in remainder shall be traced to the same period of time.

the reply. “Crowds of examples” from the registries of the Courts of Judicature were offered, of French people admitted to participate in the distribution of personal estate of their English relations: and a recent example from Doctors’ Commons, exemplifying the same fact, was considered unanswerable; still the Judges of the Chatelet rejected the claim; and the cause being carried before the parliament of Paris, their judgment was confirmed.—*Annual Reg*, v. vii., p. 141.

\* Ante, p. 21.

† Tiernay, *Hist. Arundel*, p. 571.

## CHAPTER IX.

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The web of our life is of a mingled yarn, good and ill together: our virtues would be proud, if our faults whipped them not; and our crimes would despair, if they were not cherished by our virtues.

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## THE HEIRS OF ENTAIL, CONTINUED.

MR. Henry Howard, heir in remainder by the settlement of duke Edward, on the failure of the Greystoke line, derived descent from Bernard, eighth son of Henry Frederick earl of Arundel and the lady Elizabeth Stuart, a younger brother of Mr. Charles Howard of Deepden. Mr. Bernard Howard was born in 1642, and the earl, his father, dying while he was yet a child ten years old, at the age of eleven, in company with two elder brothers,\* he was sent to the English Roman-catholic Seminary, at Douay, for education in the religious faith that his parents had disavowed; and he emerged from that celebrated college with all the endowments there to be acquired that give stability to opinions and direction to their force. The times in which he lived were hardly propitious of honour or preferment to be thus acquired; and Mr. Bernard Howard was not of that contemplative cast of mind to crawl into a nook and moralize over imaginary wrongs, or lament despairingly the aspect of untoward events: a man of action, his philosophy was the practical adaptation of the circumstances of the moment to the views he entertained: he found himself a younger brother, with small patrimony beyond the *prestige* that might

\* Edward and Francis.—*Dodd, Church Hist.*

belong to a historical name of varied fortunes: if it gave him access to Court, his religion debarred him the opportunity of state employment, or of turning his qualifications to profitable account in the service of the restored monarchy: the opposite in character and temperament of his brother Charles, although the same religious impressions governed both of them, it was not by the monkish celebration of a proscribed ritual in the recesses of a cavern that Mr. Bernard Howard gave utterance to his piety, or evinced his zeal when the Stuart dynasty hazarded and lost a throne for the faith of Rome. On the contrary, Mr. Bernard Howard entertained a cause that he fancied good to be maintained, when it was only to be asserted by following closely the signs of the times and adapting himself in no reserved manner to opportunities as they occurred: with his own personal position in society not only to retain but to advance, he cast all, it might be, on the hazard of a die; but when fortune is not alone the accident of pure chance, the adventurer may exclaim—

— why then the world's mine oyster,  
That I with sword will open.

Not only in his political action, but in his lighter carriage, moving in the world of fashion, Mr. Bernard Howard also took rank as a man of decision and courage; an early opportunity occurring of establishing his reputation once and for thereafter. Count Hamilton, in the pages of Grammont, refers to the occasion, though without detail or exactness of result. It was in that bloody encounter between the duke of Buckingham and the earl of Shrewsbury, when the wife of the latter, "the wanton Shrewsbury," in the habit of a page, is said to have held the horse of the "gay and gallant Villiers," while her husband received his death wound from her paramour. By the custom of the time the seconds also engaged, and Mr. Bernard Howard went out in support of his family connection, the earl of Shrewsbury, and killed his man, nevertheless a master of defence.

"My lady Shrewsbury," writes Pepys, "is at this time, and hath been a great while, a mistress to the duke of Buckingham; and so her husband challenged him. The parties met in a close near Barne Elmes, in Surrey, on the 16th January, 1667: the duke of Buckingham was attended by Sir Robert Holmes,\* and Capt. William Jenkins (who kept a fencing school); the earl of Shrewsbury was accompanied by his relative, Col. Sir John Talbot of Laycock, a gentleman of the royal bedchamber, and one Bernard Howard." The earl encountered the duke and received a mortal wound, of which he lingered till the 16th March; and Howard killed his opponent, Jenkins. Writing on the day following the duel, Pepys says "My lord Shrewsbury is run through the body from the right breast through the shoulder; Sir John Talbot all up one of his arms; Jenkins killed on the place, and the rest all in a little measure wounded."†

"The whole house," adds Pepys, "is full of nothing but the talk of this business; and it is said the lord Shrewsbury's case is to be feared that he may die too." "The public," writes Count Hamilton, "was at first shocked at the transaction; and the queen was at the head of those who exclaimed against so public and scandalous a crime, and against the impunity of such a wicked act."‡ Pepys thought the king would be backward to appear in such a business; but there were influences at Court more powerful than the voice of the queen; and "the public," observes Hamilton, "grows familiar with everything by habit." In less than a month, Pepys mentions the report that "a pardon had passed for the duke of Buckingham, my lord Shrewsbury, and the rest, for the late duel and mur-

\* Captain Holmes, a favorite both of the king and the duke.—*Pepys, Diary*, v. i., p. 270. A rash, proud coxcomb, but rich—who, disappointed of being made Rear Admiral, took that occasion of resigning the service. 1665.—*Ibid.*, v. iii., p. 29.

† *Diary*, v. iv., p. 326.

‡ Mem. of Grammont.

der;”\* and in due course the public became acquainted with the fact that his majesty, with a virtuous resolve, “that thenceforth the course of law shall wholly take place in all such cases,” nevertheless, had been pleased to declare at the Board, that “in contemplation of the eminent services heretofore done to his majesty by most of the persons engaged in the late duel or rencontre, wherein William Jenkins was killed, he doth graciously pardon the said offence.”† “The licentiousness of the age,” writes Hamilton, “went on uncontrolled, though the queen endeavoured to raise up the serious part of the nation, the politicians and devotees, as enemies against it.”‡

The aggregate of wanton wiles so conspicuous in this affair was Anne Maria, daughter of Robert Brudenell, earl of Cardigan, second wife of the unfortunate Francis, eleventh earl of Shrewsbury. The scandal of her story in its worst phases, perhaps little exceed the truth, and appears to have given *éclat* if not endurance to her amour. Count Hamilton mentions the unusual “constancy” of the attachment on both sides;§ and Evelyn, several years afterwards, says: “At Newmarket, I saw the duke of Buckingham, and with him that impudent woman, the countess of Shrewsbury, attended by his band of fiddlers.”|| She sub-

\* Diary, Feb. 5, v. iv., p. 344. “It is pretty to hear,” adds Pepys, “how the king had some notice of this challenge a week or two ago; and did give it to my lord General (the duke of Albemarle) to confine the duke or take security that he should not do such thing as fight; and the General trusted to the king, that he, sending for him, would do it; and the king trusted to the General; and so, between them both, as every thing else of greatest moment do, do fall between two stools.”—*Ibid.*, p. 327.

† Gazette, Feb. 24. Pepys adds, that “My lord Privy Seal would not have it pass his hand, but made it go by immediate warrant: or at least they knew that he would not pass it, and so they did direct it to go by immediate warrant, that it might not come to him.”—*Diary*, v. iv., p. 344.

‡ Mem. of Grammont.

§ “Never before had her constancy been of so long a duration; nor had he ever been so submissive a lover.”—*Mem. of Grammont*.

|| Diary, October 21, 1671, v. ii., p. 67. “If music be the food of love,”—wrote the poet of all time.—*If?* Can it be doubted? Did Capt. Thomas

sequently became wife of George Rodney Brydges, esq., and died in 1702. The miserable death of her paramour, "great Villiers!"—and her own dishonor, have been moralized by Pope:—

— Alas, how changed from him,  
That life of pleasure, and that soul of whim!  
Gallant and gay, in Cliveden's proud alcove,  
The bower of wanton Shrewsbury and Love.

Le Neve, who notes a coarse record of the duke's intrigue and its result, writes, that Sir John Talbot, "a very strong fine old gentleman, lived to a great age."\* Mr. Bernard

Howard doubt it, when he invited lady Shrewsbury to the Spring Gardens, and there entertained her with one of the soldiers of his company, "who played pretty well on the bagpipes!"—*Grammont*. But if music feeds love, love breeds mischief; and Jermyn—invincible in love and arms,—was at the garden, "as by chance,"—ogled the lady; and she "inconsiderately," returned his glances. "Not content with acting the petty tyrant, at an entertainment not made for himself, no sooner had he gained the soft looks of the fair one, than he exhausted all his common place, and all his stock of low irony, in railing at the entertainment and *ridiculing the music!*—Three times was the banquet on the point of being stained with blood; but three times did Howard suppress his natural impetuosity, in order to satisfy his resentment elsewhere with greater freedom. Jermyn went to bed proud of his triumph, and was awoke next morning to receive a challenge.—*Ibid*. Pepys records the meeting to have taken place in Old Pall Mall, in 1662.—*Diary*. Jermyn took for his second, Col. Giles Rawlings, gentleman of the Privy Purse to the duke of York, "a man of intrigue, and a deep player." Capt. Howard was attended by Mr. Cary Dillon, brother of lord Roscommon, "who was dexterous and brave, much of a gentleman, and unfortunately, an intimate friend to Rawlings." Fortune did not side with the votaries of love: Rawlings was killed on the spot, and Jermyn, having received three wounds, was carried to his uncle's with very little signs of life.—*Grammont*. Pepys, indeed, writing at the moment, says he was mortally wounded; though in fact he survived many years to bear the honors of a desperate encounter with an antagonist of whom Count Hamilton has observed, "there was not a braver or better bred man in England: though he was of a modest demeanour and his manners appeared pacific, no person was more spirited or more passionate."—*Mem. of Grammont*.

\* Harl. MS., No. 5801. The duke of Buckingham died 16th April, 1687, and the parish register of Kirkby Moorside, has the following entry among the burials. "April 17th. Gorges uiluas, Lord dooke of bookingham, &c."

There, victor of his health, of fortune, friends,  
And fame, this lord of useless thousands ends!

Howard, second also in the duel,—principal in the crime pardoned by the king,—bore his honors with a modest grace, and floated with the gallants of his time, distinguished in the more noble exercises of an English gentleman. With the “scandalous” reputation he so suddenly acquired, a man of lighter cast of mind might have fallen into all the vices and follies of the age; and as a bold adventurer on the fortunes of a Court life, ended a career of frippant gaiety,—

The frail one’s advocate, the weak one’s friend;

but Mr. Bernard Howard, combatting for “injured honor,” preserved a decorum that censure has not attacked, even in whisper: his education and means had kept him in the rear of fashion; he came suddenly upon “society” an unknown man:† and nothing venturing where little might be the reward, he availed himself of a brother’s philosophic introduction, and settled down for life with a widow. But when heiresses are not in over supply for younger brothers, widows will often be in request; and the lady who gave

The duke ended his days at the humble residence of a tenant on his Yorkshire estate; which Pope has described with a poet’s licence. “I am forsaken,” wrote the wretched man, “by all my acquaintance, *utterly neglected by the friend of my bosom*, and the dependants on my bounty; but no matter! I am not fit to converse with the former, and have no ability to serve the latter. Let me not, however, be wholly cast off by the good.” Mr. Banks says, the duke was buried in his father’s vault, in Westminster Abbey (*Dorm. and Ext. Baronage*, v. iii., p. 117); and he may have received the more noble interment; for his kinsman, the earl of Arran, writing to bishop Sprat, from “Kerby-Moor Syde, April 17,” says: “I have ordered the corpse to be embalmed and carried to Helmsley Castle, and there to remain until my lady duchess her pleasure shall be known.” But the earl adds, “There must be speedy care taken; for there is nothing here but confusion, not to be expressed. Though his stewards have received vast sums; there is not so much as one farthing, as they tell me, for defraying the least expense.” The Helmsley estate was afterwards “sold for about £90,000 to one Duncombe, not long since a mean goldsmith.”—*Pepys*.

† Pepys calls him “one Bernard Howard.”—*Diary*, v. iv., p. 326.

her hand to Mr. Bernard Howard united the character, in some sort, of both; for she was widow of Sir Richard Lechford, of Dorking, in the county of Surrey, knt., daughter and coheirress of George Tattersall, of Finchampstead, co. Berks, esq., namely, Catherine, younger sister of the lady married to Mr. Charles Howard of Deepden. Sir Richard Lechford died in 1671, and in the following year Mr. Bernard Howard supplied his place in the affections and the endowment of his relict.

At the festive board of rural sporting life, the memory of king Charles the Second deserves notice: with him originated the "King's Plate," in the form of a prize cup for the winner of the race: under his royal patronage "the turf" revived as an enduring pursuit, not only of useful encouragement for the improved breed of that noble animal, the horse, but of gentlemanly excitement and patriotic competition. Mr. Bernard Howard was one of its votaries, and the fervour—perhaps the success—with which he followed the pursuit may be understood, when we read that the king became the purchaser of one of his stud, for the sum of two hundred guineas.\* In 1682, Mr. Howard removed his establishment to France; and the historian of Western Sussex has produced from the rummage of our fiscal records, a particular account of his miscellaneous shipment.† The journey to Paris, probably, was preparatory to the grand sporting event of the year, when the duke of Monmouth's horse won the race at St. Germain, and carried off the prize of one thousand pistoles given by the French king.‡ The event was not alone famous to the duke, but advantageous to his friends; Mr. Bernard Howard,

\* 1681. To Mr. Bernard Howard for an horse, 200<sup>d</sup> gui.... £216 5 0.—*Secret Service Disbursements*.—*Camd. Soc.* Thus it appears, at this date, that the guinea was current at 21s. 7½d.

† 1682. "In the owner's Adventure, of Brighthelmstone, John Beach, Master, for Dieppe,—For the hon. Bernard Howard,—Thirteene saddle horses, two barrlls herrings, Eng<sup>h</sup> caught; five thousand ox bones."—*Cartwright, Rape of Bramber*, v. ii., p. 60. ‡ Feb. 25, 1682

the genius of the course, was received with the courtesy that gave him distinction among his countrymen on the spot, and additional interest with his party at home; for we read that his most christian majesty was pleased to shew him so much countenance as to give his carriage and horses the *entrée* of the Louvre, namely, to be driven with its honored freight within the royal precincts,—a privilege due only to princes of the blood; and some few of the highest quality of France.\*

Thus honored abroad, the qualities with which nature had endowed him, were well adapted, in the particular aspect of coming events, to give him distinction at home; and as “one of the principal catholics”† to do service for pope and king. With the death of Charles the thin veil that covered the designs of the Court was early removed;‡ James ascended the throne a known papist; and Mr. Bernard Howard was one of those confidential persons throughout the country entrusted with the charge of ensuring unanimity of public applause to the succession, and giving assurance to his party under the disguised sentiments of the first address from the throne:§ to Mr. Bernard Howard, at Winchester, was addressed the order of Council to proclaim James the Second in that city; and by him was the order communicated to the mayor,|| in whose duty it was to perform the service. With the confidence reposed in him,—a man of so much natural resolution as Mr. Ber-

\* Echard, *Hist. Engl.*, v. iii., p. 668.

† Barillon, ap. Fox, App. lxxvii.—*Tiernay, Hist. Arundel*, p. 546.

‡ Le roi d'Angleterre fut hier publiquement à la messe dans une petite chapelle de la reine sa femme, dont la porte étoit ouverte: cela a fait parler le monde fort ouvertement. Barillon au Roi de France, 26 Fev., 1685.—*Fox, App.*, p. xxxii.

§ See the “acceptable speech” of James to the Privy Council.—*Echard, Hist. Engl.*, v. iii., p. 729. “Il faut convenir, cependant,” writes Barillon to his master, “que le roi d'Angleterre dissimule . . . . mais je suis convaincu qu'il lèvera le masque aussitôt.”—*Fox, App.*, p. lxxvii.

|| City Records.—*Milner, Hist. Winchester*, v. i., p. 434.

nard Howard, must have lacked ambition, or he might have taken a higher standing, and filled a more prominent part in the active politics of the day; but he appears to have been content to serve the king to the best of his ability; and to become a pensioner on his bounty.\* With two influential relatives at Court, of opposite creeds, balancing the favor of the king, in politics and religion he adhered with constancy and perseverance to the principles of his nephew, Thomas Howard of Worksop;† and identified himself with a policy directly opposed to the more constitutional action of his nephew, the duke:‡ doubtless he carried his loyalty to the verge of prudence on the early misfortunes of the stubborn monarch he served. The protestant succession received no willing countenance from him; conscience and honor alike bound him to the deposed *regime*: in the reclamation of his religion, and the maintenance of a sovereign right he believed might not be annulled, he was a recusant and a Jacobite confessed.

From king James, Mr. Bernard Howard received the command of a troop of horse;§ and in 1687 was in London moving about in political society.|| In the autumn of the same year "Col. Bernard Howard" appears to have accompanied the king in his "progress" through several counties,¶ when his majesty displayed so much resolution of enforcing his future projects;\*\*\* and, in 1688, when the

\* 1685. To Bernard Howard, esq., bounty ..... £300 0 0

1686. To Bernard Howard, esq., bounty ..... £500 0 0

—*Secret Service Disbursements*.—*Camd. Soc.*

† Ante, p. 209.

‡ Ante, p. 242, et seq.

§ Barillon, ap. Fox, App. lxxvii.—*Tiernay, Hist. Arundel*, p. 546; but the reference to Fox does not appear to be correct. "A standing army filled with popish officers and soldiers," was among the grievances of the time.—*Life of king William III.*

|| Diary of Bishop Cartwright, pp. 43, 60.

¶ Ibid., pp. 72-75.

\*\*\* At Chester, being told that the desired address to his majesty from the corporation "would not pass," the king said, "Let me know what alderman opposed, and I will turn him out."—*Diary of Bishop Cartwright*, p. 75.

mayor and aldermen of Winchester were "turned out for refusing to comply with the wishes of the Court," Mr. Bernard Howard was nominated "chief of the commissioners appointed to manage matters there;"\* a large body of troops being marched into the city to overawe the inhabitants and intimidate them to submission.†

The pusillanimity of the king in the military defence of his throne, was hardly calculated to inspire confidence in his officers most attached to his cause; and whether or not Col. Bernard Howard actively participated in the disgrace it was not in his power to prevent, doubtless he was a Jacobite of that mark and consequence that brought him under the special *surveillance* of the new government; and he appears to have engaged himself or been suspected of participation in most of the projects for the restoration of the "retired" monarch.‡ In July, 1690, while William the Third was fighting the battle of the Boyne, and the late king, James, was making a hasty retreat, for the last time, to the protection of a foreign land, the Jacobites in London were actively preparing a plot for his restoration; to be aided by a descent of the French; who having gained some advantage over the united Dutch and English fleet off Beechy Head,§ were not unexpected. To meet the

\* Luttrell, Diary, April, 1688, v. i., p. 438. In order to the repeal of the *test* and the *penal laws* against roman catholics, the Corporations of the kingdom were *regulated* in order to their electing such members to serve in the intended parliament as would comply with the king's desire therein.—*Life of K. William III.*

"The regulators," says Dr. Lingard, "a Board established under the pretext of reforming the abuses of corporations, received orders to mould these bodies in conformity with the views of the Court."—*Hist. Engl.*, v. x., p. 264.

† Van Citters, cited by lord Macaulay.—*Hist. Engl.*, v. ii., p. 336.

‡ Declaration of king James, 1693.

§ This engagement took place on the 30th June. The battle of the Boyne was fought the following day, 1st July; and on Sunday the 5th, king William entered Dublin, and in the church of St. Patrick, returned thanks to Almighty God for the success of his arms. For the defeat at sea,

occasion "the brave queen did all that a most prudent monarch could suggest," and by the advice of her council, had several of the suspected leaders and disaffected persons secured; Mr. Bernard Howard, Col. Butler, Capt. Throgmorton, the earl of Castlemaine, and the lords Ross and Griffin being committed to the Tower on a charge of high treason.\* The danger, however, was of short duration; the French exhausted their valour by landing a few boats' crews at Torbay and firing the village of Teignmouth, ere the militia could arrive to eject them; and the security of the government was sufficiently re-assured by the successes in Ireland, to deal leniently at this time with the disaffected at home; who, on their part, submitted to necessity, and resigned themselves to inaction when revolt would have been unavailing. But submission was the mere restraint of superior power; for independently of religious zeal, the cause of legitimate monarchy and the right of primogeniture are so associated in the minds of Englishmen with the propriety of good order, that the "divine right" could always enlist a multitude of conscientious advocates from the protestant ranks; and certainly, if any party ever adopted or plotted under the motto *nil desperandum*, it was the adventurers in the Jacobite cause.

In 1692, when William the Third had prorogued parliament, and taken his departure to join the army in Holland, king James left Paris for Havre, in order to complete his arrangements for the invasion of England with a mighty French force; and issued to his *quondam* subjects a declaration of his royal intentions, calling on all his faithful people to repair to his standard. In this emergency the

Admiral lord Torrington (Arthur Herbert, baron of Torbay and earl of Torrington) was brought to trial, and acquitted; though public opinion did not concur in the verdict; and the Satirists of the day have recorded his misdeeds in ballad verse. See *Torringtoniana*; or a new Copy of Verses on the late Sea Engagement.

\* Luttrell, Diary, v. ii., p. 72. Bayley, Hist. of the Tower.

queen and council were again on the alert with a proclamation for the apprehension of suspected persons.\* On Thursday, May 12th, Mr. Bernard Howard was taken into the custody of a messenger;† and, with the earls of Middleton, Marlborough, Salisbury, and others, was committed prisoner to the Tower “for the plott.”‡

On the same day, however, the one-and-twentieth of May, the French ships were burnt at La Hogue by the English Vice-Admiral, Sir Ralph Delaval,—a “warm” and glorious action, which, as it proved “almost a heart break” to king James, so it greatly assisted to fix king William more firmly on his throne; and the danger over, the plot vanished; and the plotters, less dangerous to the State, regained their personal liberty. Not that the cause was abandoned with its ill success: like the fabled bird of antiquity that regenerated from its own ashes, defeat seemed to give renewed vigour to the enterprise. The repose that for a time followed each projected outbreak, was like the calm surface of a summer sea—the waves unruffled of the past and future storm. Messages passed in cipher; signs and tokens, like the chupatties of the Indian revolt, had their secret import: mysterious men, said to have been invested by high authority with deputed powers, enlisted the concurrence of unwary enthusiasts to a desperate cast, and gave utterance to their own devotion in words as mysterious as themselves:—

It is the cause, it is the cause, my soul,—  
Let me not name it to you, you chaste stars!—  
It is the cause:—

and Holy Church employed her influence to exhort to unity of purpose and fidelity of action the doubting and faint-hearted members of her creed. Under date, 1693, 1st June, “Letters from Rome,” writes Luttrell, “say, that Cardinal Howard has obtained a breife to send to England,

\* May 9.—*Pointer's Diary*.

† Luttrell, *Diary*, v. ii., p. 449.

‡ *Ibid.*, p. 458.

to exhort the catholicks there to remain firm to the interest of king James.\* The "mighty pudder" about burning a few ships on a former occasion had rather stimulated the French king's aid than induced him to withhold his assistance; and within two years of the former miscarriage, a new invasion had been planned; to be aided this time by a conspiracy against the person of king William the Third. On the 18th February, 1695, king James took post to join the French forces assembled at Calais; where, as soon as he had arrived, the troops, artillery and stores were ordered to be hastened on board; the "male-contents" in England were in preparation and expectancy; and nothing remained for the success of the enterprise "but that the winds and the waves should do their part." King William, however, in the quiet of his palace at Kensington, timely became aware of the progress of events, and the winds and the waves, in an incredibly short space of time, interposed "Admiral Russell, with a fleet of at least fifty men-of-war, in line of battle, off the coast of Calais and Dunkirk, so that the French durst not so much as peep out of port;" and thus were the hopes of the Jacobites again thwarted. His majesty, in addressing parliament at this time, said: "I come hither this day upon an extraordinary occasion, which might have proved fatal, if it had not been disappointed by the singular mercy and goodness of God, and may now, by the continuance of the same Providence and our own prudent endeavours, be so improved as to become a sufficient warning to us to provide for our security against the pernicious practices and attempts of our enemies. I have received several concurring informations of a design to assassinate me, and that our enemies at the same time are very forward in their preparations for a sudden invasion of the kingdom. I have not been wanting to give the necessary orders for the fleet; and I hope to have such a strength of ships, and in such a readiness, as will be suffi-

\* *Diary*, v. iii., p. 108.

cient to disappoint the intention of our enemies. I have dispatched orders for bringing home such a number of our ships as may secure us against any attempt. Some of the conspirators against my person are already in custody, and care is taken to apprehend as many of the rest as are discovered . . . . .”\* On the 21st February, a proclamation was issued for the apprehension of the conspirators, with a reward of one thousand pounds for the discovery of any of them.† On Tuesday, the 3rd March, Mr. Bernard Howard was “taken up;”‡ at this time in companionship with Col. Graham, Sir John Friend,§ and some others, engaged or suspected to be engaged, in a treasonable conspiracy to levy war under the commission of the expatriated king James;|| many of whom were brought to trial, and some

\* Life of king William the Third.

† Pointer's Diary.

‡ Luttrell, Diary, v. iv., p. 24.

§ Sir John Friend and Sir William Parkins, protestants, were executed at Tyburn, 3rd April, 1696. The former declared “The cause he was brought to suffer for he firmly believed was the cause of God, true religion, and to the utmost of his knowledge and information agreeable to the laws of the land, which required firm duty and allegiance to their sovereign, from which no foreign or domestic power could release them; and that to assist him in recovering his rights was justifiable, and their duty, &c.”

Sir William Parkins declared himself entirely in the interest of king James; and admitted that there was a general commission to levy war against the prince of Orange and his adherents, and to seize all forts, &c., which he supposed to be the usual form in such cases.

|| Among the unhappy victims of this conspiracy was Sir John Fenwick, of Wallington, co. Northumberland, bart., who had married the lady Mary Howard, daughter of Charles, first earl of Carlisle. After a narrow and ludicrous escape from arrest by a file of musqueteers (*Luttrell, Diary*, v. ii., p. 450), Sir John Fenwick was captured at New Romney, in Kent, June 11th, 1696; and in an intercepted letter to his lady, produced on his trial, he had written: “I am in a sad case with riding: that day I parted with you I rid above a hundred miles.” A most devoted wife in her endeavours to save his life, forfeit, as he seemed to think, from the first: “What I feared,” he began, “is at last happened: it is God's will: so we must submit. . . . . Do not think of being shut up with me, I know it will kill you, and besides, I have no such friend as you to take care of my business, though it would be the comfort of my life, the little time it lasts,

met an ignominious death on Tyburn tree for complicity in a plot that imagined the design of taking his majesty's life.\*

Escaping the dangerous companionship, Mr. Bernard Howard perhaps took warning by the fate of others, to select more scrupulous or less suspected associates: and, arrived at an age when action commonly gives place to reflection, and maturity of judgment moderates the unrestrained enthusiasm that sometimes leads patriots and politicians into—

— murders, stratagems, and broils,—

it is probable that henceforward he became less ardent in the hopeless cause of “hereditary right;” and a submissive if not a contented subject of the “elected” king.† Trou-

to have you with me; and I have this only comfort now left, that my death will make you easie. Grieve not for me, my dearest life, but resign me to the will of Almighty God.”

Sir John Fenwick was beheaded on Tower-hill, on Thursday, the 28th January, 1697. In a paper delivered to the Sheriffs at the place of execution, he declared: “As for my religion, I was brought up in the church of England, as it is established by law, and have ever professed it..... My religion taught me my loyalty, which I bless God is untainted: and I have ever endeavoured, in the station wherein I have been placed, to the utmost of my power, to support the crown of England *in the true and lineal course of descent* without interruption..... I pray God to bless my true and lawful sovereign, king James, the queen, and prince of Wales, and restore him and his posterity to this throne again, for the peace and prosperity of this nation, which is impossible to prosper till the government is settled upon a right foot.”

\* Six other persons suffered death for the same conspiracy; and Mr. Charnock, one of them, declared in writing, “That as for the invasion intended by king James, he presumed every body was satisfied of it; and he admitted that, to facilitate the same, he and some others had agreed upon the undertaking of attacking the prince of Orange and his guards; but he denied the knowledge of any order or commission from king James for assassinating the prince; though a commission to levy war was natural to believe, if his majesty intended to come, as was reported.

† Upon which (his majesty's *retirement* to France) they built such a superstructure as to make an ancient hereditary monarchy become elective.

—*King James's Declaration*, 1693.

blous times and political association with malcontents,—whatever may have been the result of private adventures,—were hardly favorable to the accumulation of wealth; and Mr. Bernard Howard does not appear to have improved his position of a younger brother.\* A son, of his own name, took by inheritance the small maternal estate to which he was heir; his three daughters shared the customary lot of dowerless maidens of the Romish faith, and became nuns, at Brussels; whither their mother appears to have retired some years before the decease of her husband.† At the age of seventy, “Bernard Howard of Norfolk, esq.,” made his last will,‡ in the parish of St. James’s, Westminster. To his son, Bernard Howard, he bequeathed a legacy of five pounds: to his wife, and to his three daughters, legacies of the same amount: to his niece, Elizabeth, daughter of his brother, Esme Howard, ten pounds: to his servants, one year’s wages (which would be five pounds each) in addition to the amount that might be due to them; to his servant, Cosney, his “clothes” and fifty pounds, in case he should be living with him at the time of his decease; and to the poor of the parish, one hundred pounds: excepting the latter, all his legacies were to abate in the event of insufficiency of assets. If it might be, he desired to be buried with his ancestors at Arundel: otherwise at Somerset House;§ or at St. Pan-

\* Under provision of the act of parliament before mentioned (p. 373), Mr. Bernard Howard returned the annual value of his estate in Surrey, at £103.—*Aubrey, Hist. of Surrey*.

† Mrs. Catherine Howard died in 1727; and was buried at Brussels, in the church of the English Dominicans; an establishment that acknowledged Cardinal Howard as a founder. Ante, p. 167. ‡ 27th January, 1712.

§ Somerset Chapel, the resort of Roman catholics during the residence of the dowager queen, Catherine of Braganza, at Somerset House, by order of queen Anne, in 1711, had been prepared for protestant worship; and it was opened on Sunday, April 15th, with a sermon by Dr. Robinson, bishop of Bristol.—*Lond., Rediviv.*, v. iv., p. 290. Mr. Howard’s will, made the following year, seems to imply that it had been still a place privileged for Romanists.

cras, near London, "where catholics are allowed to be buried." "A plain coffin and small expense," were the directions to his executor; one only vanity, excusable as marking his prevailing taste and the remembrance of his noble descent, exceeded the narrow limits of his wishes,—he desired that a coach and six horses might follow him to his rest.

In the rural little church-yard of St. Pancras, situate on a knoll in the fields to the north of London, Mr. Bernard Howard found a grave in the year 1717.\* No memorial marks the spot; but a stone, it is understood in the immediate vicinity, still records the resting place of his brother, Esme Howard, "youngest son of Henry earl of Arundel and Surrey," and the niece whom he remembered in his will.† Kenneth Mackenzie, of Wotton, co. Warwick, esq.,‡ the surviving executor, was the friend who administered his estate, and proved the will, the 17th December, 1717.§

His only son, Bernard Howard, esq. "of Winchester," born in 1674, was forty-three years of age at his father's decease; and had been married seven years to the lady Anne Roper, daughter of Christopher lord Teynham. Some of the authorities say she was the daughter of Christo-

\* He died the 21st October, at the age of seventy-five years.

† Mr. Esme Howard died in 1728, in the eighty-third year of his age. The inscription on his grave stone will be found in Barak Longmate's edition of *Collins' Peerage*, 1777, v. i., p. 128.

‡ Not only by political sentiments, but by family connection, has the clan Mackenzie been linked to the house of Howard. The Peerages note that the lady Frances Herbert, daughter of William marquess of Powys, married Kenneth Mackenzie, earl of Seaforth, in Scotland.--(*Ante*, p. 278; and *Add. Notes*, *App.*) He followed the fortunes of king James at the revolution of 1688, and died in Paris, in 1701. His son, William, fifth earl of Seaforth, in arms at Sheriff-Muir, was attainted as the consequence of defeat, and ended his days in a foreign clime. By intermarriage in after years, Mary Mackenzie, second daughter of Kenneth, viscount Fortrose, eldest son of the attainted earl, became mother of Kenneth Alexander, eleventh lord Howard of Effingham. In the interest of the imperfect records of the clan Mackenzie, the information in the text has been disinterred from the dust of Doctors' Commons.

§ In Cur. Prærog. Cantuar.

pher, fourth lord Teynham, by his second wife, Philadelphia Knollys:\* if so, the bride would have been about sixty years of age at the time of her marriage, and many years the elder of her alleged husband. On other authority,† with more probability the lady is represented to have been a niece of her name,—one of the eight daughters of Christopher, fifth lord Teynham, and his wife the lady Elizabeth Browne.‡ The fifth lord Teynham, of stout Romish principles, was a nobleman in whom James the Second placed confidence; and, in 1687, when preparing his *coup d'état*, entrusted with the lord-lieutenancy of the county of Kent. The trust was important to retain, impolitic to resign; and lord Teynham, following his majesty's example, retired with it to France, and died at Brussels the same year. Anne, his fifth daughter, was the lady who, at the age of five and twenty, in the year 1710, gave her hand to Mr. Bernard Howard, at the age of thirty-six. In the contest for hymeneal bonds, the family of maiden Ropers might boast of more than average success. Of her seven sisters, two only were devoted to celibacy and became nuns; three others married into Roman catholic families of note;—and one of them produced a wife for another scion of the house of Howard.§

By a misnomer in the family pedigree, very apparent,

\* Collins, *v. v.*, *p.* 139; Idem, ed. Sir E. Brydges, *v. vii.*, *p.* 85; Longmate, *v. vii.*, *p.* 75; Jacob, *v. ii.*, *p.* 424.

† Dallaway, *Hist. Western Sussex*, *v. ii.*, *p.* 184.

‡ Daughter of Francis, third viscount Montague, and Elizabeth, daughter of Henry Somerset, marquess of Worcester.

§ Winefreda, daughter of Thomas Stonor, of Watlington, co. Oxford, married to Mr. Philip Howard.—*Ped.*, *ante*, *p.* 46. The three brothers of the lady Anne Roper, successively inherited the paternal title: the youngest, Henry lord Teynham, in the year of rebellion, 1715, conformed to the protestant faith, and took his seat in the House of Peers. In February, 1723, his lordship was appointed Gentleman of the Bedchamber to his majesty George the First; and on the 16th May, the same year, the unhappy nobleman “shot himself through the head with a pistol, at his house in the Haymarket, and died immediately.”—*Hist. Reg.*

Mr. Bernard Howard is described "of Glossop, in the county of Derby:"\* a manor he never possessed, and on which he could not have placed any probable hope of possession by inheritance. His circumstances, indeed, appear to have been marked rather by quiet contentment than the affluence his descent and alliance might suggest. Representative of the eighth house of a noble lineage, decadence had undoubtedly become the lot of the *Cross Moline*; nor was the noble head of the family able to arrest the downward course of fate, although he made the attempt with a legacy of four thousand pounds;† and foreshadowed the possibility of a splendid future, that none but the weird sisters of the blasted heath could have realized to the imagination.‡ No auspicious star, however, shed a brilliant influence on the fortunes of Mr. Bernard Howard; and he settled his affairs with the world on a very moderate scale of gentility. "Sick and weak in body, but of sound mind and memory, Bernard Howard, of the city of Winchester, esq." on the 10th April, 1732,—made his last will and testament. All the copper, brass, pewter, and furniture in his dwelling house, he bequeathed to his dear wife, for her own use and benefit; and also the jewels, plate, and money therein. His estate, at Leigh, near Dorking, in Surrey,§

\* Fam. Mem. by Henry Howard of Corby, esq.; Tiernay, Hist. Arundel.

† Will of Thomas duke of Norfolk, 1732.

‡ Thomas duke of Norfolk, in 1732, devised his estates in remainder to the use of Mr. Bernard Howard of Winchester; at which time there were interposed to the succession of his line, the duke's brothers—Mr. Edward Howard, and his possible heirs; and Mr. Philip Howard, and his issue, of whom one son was already *in esse*; and the heir of the Greystoke line, with several brothers of that house, named in the settlement, and their issue; all having priority of right in the inheritance.

§ The manor of Shelwood, including certain lands mentioned, in the small parish of Leigh, in the weald of Surrey, had been the inheritance of Sir Richard Lechford, knt., who conveyed to trustees; when the manor and lands were severed and dispersed. The Hook Farm, which appears to have been settled on his widow, passed to Mr. Bernard Howard, the son of her second marriage.—*Manning, Hist. Surrey*, v. ii., p. 181.

and all other his estate, real and personal, he devised to the duke of Norfolk,\* the lord viscount Montague,† and Philip Howard, esq., brother of the said duke, in trust, to sell and dispose of the same; and to pay to his dear wife, for her life, an annuity of one hundred and fifty pounds, by equal quarterly payments; five pounds per annum to each of his three sisters; and after payment of his debts and funeral expenses, to divide the residue as they, the trustees, might decree, or equally, among his six children.‡ Mr. Bernard Howard died at Winchester, in April, 1735; and among memorials of the Talbots and other known names of the old faith, in the ancient burial ground of St. James, in the suburbs of the city, a mouldering stone records his noble descent.§ Mrs. Anne Howard, his wife, died at Paris, in 1744, and lies buried in the church of the English Augustine nuns; where a daughter of her own name had taken the veil.|| Mary, second daughter, is represented to have died in youth. Bernard, the eldest son, a catholic priest, died at Buckenham, in Norfolk, and was buried at West Toft, in that county.¶ Thomas and Charles, third

\* Edward duke of Norfolk.

† Anthony, sixth viscount Montague, first cousin to the lady Anne Roper, wife of Mr. Bernard Howard.

‡ Test. in Reg. Cur. Prærog. Cant.

§ Bernardus Howard, Norfolciæ Ducum sanguine illustris, Christianâ pietate morumque probitate illustrior. Obdormivit in Domino, 22 Apr., 1735.—*Milner, Hist. Winchester, v. ii., p. 175.* Mr. Tiernay gives the date of his decease April 12, and adds, that he was buried at St. Cross, near Winchester.—*Hist. Arundel.* Mr. Henry Howard of Corby prints it “near Westminster.”—*Fam. Mem.* Of the parish church of St. James, nothing remains but the record of its dedication and the early devotional services within its walls.

|| Mr. Henry Howard of Corby says, the daughter, Anne Howard, was Abbess of the Convent, Rue Charenton, Paris.—*Fam. Mem.*

¶ Dallaway, *Hist. Western Sussex, v. ii., p. 184:* who adds, that he died in 1711 (the year after his father's marriage). Mr. Henry Howard of Corby, dates his birth in 1710, and his decease in 1715; adding a copy of the monumental inscription from West Toft, which states that he died May 27th, 1746, at the age of thirty-five.—*Fam. Mem.*

and fourth sons, were ecclesiastics of the church of Rome; the former dying at Douay; the latter at Paris, in 1793:\* and the second son, Mr. Henry Howard, born in 1713, remained "the only secular member of his family."

"When states and empires have their periods of declension, and feel in their turn what distress and poverty is—," wrote the Sentimental traveller, "I stop not to tell the causes which brought the house of — into decay." Perhaps it were needless, when the preceding chapter had introduced to the reader a chevalier de St. Louis selling *patées* in the street at Versailles. An ungrateful country,—the decree of fate,—were reason enough for the climax in both cases: the subdivision of a patrimony that never exceeded the exigencies of mediocrity, and the restraint of pernicious laws that barred honorable exertion in the public service; that,—in the words of Mr. Charles Howard of Greystoke, excluded the romish aspirant from "honors and emoluments acceptable to persons of his rank,"—may suffice for the parallel: and if the poor chevalier with the *croix* upon his breast,—felt no dishonor in vending his *patées*, as the humble provision in lieu of a better, awarded him by Providence,—who may repine at the adversity of his lot in life! Nevertheless, the same noble sentiments that induced the marquess d'E—— to attempt the repair of his broken fortunes in a commercial pursuit, led Mr. Henry Howard to seek the temple of fortune by the portal of trade. He resigned the vain illusion of patrician poverty—the inability to maintain rank in idleness: like the Bretagne noble, he sought redemption in a lower grade of the social scale: and why, asked his good cousin of Greystoke,—"why should commerce disgrace the younger sons of noblemen and gentlemen?" Why, indeed, when history tells how noble houses have had their origin in a fortunate citizen: how ill-provisioned nobility has stooped to fortune in citizen wives. Mr. Charles Howard doubtless had his

\* Fam. Mem. by Henry Howard of Corby, esq.

adventurous cousin in his mind's eye when he sought an apology for the humiliation of noble poverty, by asserting the dignity of trade.\* The marquess resigned his sword and embarked for Martinico,—Mr. Howard also sought an incognito away from the home of his fathers; but here the parallel must part company; for while the marquess d'E—— was successful in his industrial pursuit, Mr. Henry Howard's ventures unhappily failed,—his argosies miscarried; his bond was forfeit; and tradition tells that he became—worse than nothing—

A poor and broken banquerout;

wrecked past hope—

By dreadful touch of Merchant-marring rocks:

his small estate—the Hook farm,—its proceeds lost in the commercial venture,—in 1751 was conveyed to Edward duke of Norfolk;† and the heir of the eighth house of Arundel stood in the wide world, naked as Adam, stripped of all, save the civil right of a pauper—if he had not lost his native settlement—to receive maintenance from the land!

When a man has descended the ladder of fortune to the lowest round,—free from the embarrassments that confine and limit the exertions of many on the steps above, he has all the resources in the world at his command that honor or shame will permit him to apply to the circumstances of his condition. He may be ambitious, and recommence his assent—if he can contend against the kicks and cuffs of his supernal competitors: he may be contented in the slough misfortune has cast him. La Fleur, disappointed in his career of martial glory, retired *à ses terres*, and lived *comme il plaisait à Dieu*—that is to say upon nothing. The poor chevalier de St. Louis stood with his decoration and basket of *pâtisserie* at the palace gate awaiting the chances of better fortune: the marquess d'E——, perhaps,

\* Ante, p. 41.

† By Indentures, dated 6th and 7th June. See the will of Edward duke of Norfolk, 1777.—*In Reg. Cur. Prærog. Cantuar.*

had failed in his endeavour to reclaim his nobility and maintain his ancient rank, had not his successful application to business been materially assisted by some unlooked for bequests from distant branches of his house. Mr. Henry Howard also had wealthy kinsmen in high places; and himself moreover inherited great expectations; but of a quality so problematical, that future generations of his house might yet have entertained them as distant and uncertain hopes. Sad in the experience of the world, to have cherished a contingency that must have been viewed by reasoning minds as the chimera of a vain ambitious fancy, though it might have added to his sorrows would have effected little for his relief; and the resource of La Fleur might have been his fortune had he not turned his business knowledge to account,—accepted the humble alternative for poverty that Providence offered him; and with the pious contentment of the poor chevalier de St. Louis patiently abided the turn of fortune's tide. The position of Mr. Henry Howard in the duke's family has been referred to;\* and whatever may have been his duties, it will be sufficient that he made himself useful in his vocation; and in lieu of becoming the "poor hang-on gentleman" discountenanced by his philosophic cousin of Worksop, received the gratuity of his services, and the discriminate friendship of a noble patron that eased his position and assisted his natural ambition to regain his lost independence. It is unquestionable—every circumstance tells the tale—that while Mr. William Howard—under some involuntary obligation, as it seems, was receiving his narrow income, apparently from the ducal coffers, Mr. Henry Howard was indebted to the duke for his daily bread: and though facts disallow the representation that the former had been "a humble dependant on his bounty," the latter, nevertheless rendering service for an equivalent, must still be included

\* Ante, p. 43.

in the category descriptive of the benevolent countenance of a poor relation in the favors he received.

At the age of fifty-one, Mr. Henry Howard was still the humble attendant on fortune's favors; and still the only secular member of his family: the misfortunes of past years, the dependence of the present, perhaps, had kept him still a bachelor: fashionable cupid had no shaft for his position: his prudence or his pride had been armour-proof against the institution of domestic comfort in a low degree. How, in such a case,—“applying fears to hopes, and hopes to fears,”—might the impediments to posterity be overcome? Shall the *death's head* surmount the 'scutcheon of the eighth house? In the umbrage of adversity shall the *Cross Moline* become extinct; and lose the happes that smiling fortune might yet have in the bosom of time? It was the toss-up of a marriage licence at this moment, whether or not Mr. Henry Howard of Corby, seventy years later, should have been able to inscribe *Stet Fortuna Domus!*\*—rare event—beneath that distant badge of noble cadency. Cruel Mr. Tiernay *en sang froid*, has contemplated the time when the earldom of Arundel shall be separated from the dukedom of Norfolk.† Long may it be ere the *guardant lion* of the ducal coat shall droop its *extended tail*; or the *slip of oak, fructed, proper*, fail its autumn mast! Far-seeing cupid, adopting the urgent spirit of the wish, at once compounded the matter with prudence; and thus it happened:—

In 1763 the duke commenced his noble work, the re-erection of the manor-house of Worksop; and it is to be supposed that Mr. Henry Howard, as duty required, was sometimes there. At the little village of Wellow, ten miles distant, resided, in modest retirement,‡ Mr. William

\* Vide Fam. Mem., fol., 1836.

† Vide Hist. Arundel, p. 513.

‡ The county historian describes the residence “a small hall-house with suitable gardens.—*Thoroton, Hist. Nottingham.*, v. iii., p. 203. Wellow, a small village of cottagers principally employed in the neighbouring hop-gardens.—*Beauties of Engl. and Wales*, v. xii., p. 391.

Molineux, one of the verdurers of the royal forest of Sherwood, and his two daughters: a son also there was, whose fortune in life had yet to be developed.\* Mr. William Molineux was the seventh son of a baronet,† and brother of Sir Charles Molineux, of Tiversal, in the shire of Nottingham, on whom the title had devolved. Sir John Molineux, the first baronet, of a vivacious and liberal spirit, had carried his hospitality so far beyond the limits of his income, that much of his estate had been brought to sale and the remainder to mortgage; so that to maintain the titular rank with suitable dignity, the cadets of his house,—and they were numerous in several generations,—had to look beyond a paternal inheritance for the means of independence. Mr. William Molineux had married the daughter of Mr. William Challand, of Wellow, and found a home and contentment in her moderate endowment. Miss Juliana Molineux, his younger daughter, of the age of five and twenty, was the lady on whom the bolt of cupid fell,—whom Mr. Henry Howard accepted as the decree of his destiny. Though sentiment may be of any age, it need not be here assumed. Mr. Howard, beside his gravity of years, was too sedate in the experience of the world to disport himself in Lincoln green,—pend tedious homilies of love on melancholy boughs, or—

—— carve on every tree,

The fair, the chaste, the unexpressive she.

On the part of the lady, whether the jealous Oberon had bathed her sleeping lids with *love-in-idleness*, or what other philter had bound her to her fate, the tyrant god in his conquest certainly had not employed his “best arrow with

\* The year following the marriage of his sister to Mr. Henry Howard, Mr. Francis Molineux received the honor of knighthood and the appointment of Gentleman Usher of the Black Rod.

† Sir Francis Molineux, of Tiversal, bart., who died in 1742, at the age of eighty-seven. He married, Diana, daughter of John Howe, esq., by whom he had seven sons and three daughters.

the golden head;" and it would be ungallant to suppose the stricken fair to have been constrained to act on Rosalind's advice:—

Sell when you can: you are not for all markets;  
Cry the man merey: love him; take his offer:

yet she did accept his offer,—his moderate offer, when her advance in position,—pending the negociation,—from the niece to the daughter of a baronet, be cast into the balance. Sir Charles Molineux deceased in July, 1764, unmarried; and the intervening brothers having all died without issue male, the father of Miss Juliana became Sir William Molineux, of Wellow. A settlement, for her widowhood, was made on the lady, of ninety pounds per annum; for the payment of which amount the duke became responsible by his bond, dated the 29th September the same year,\* and on the 30th October the contracting parties were married at Wellow. To complete his happiness, the bridegroom had received the appointment of agent for the duke over his Yorkshire property,† and became "Mr. Howard of Sheffield," from the place of his residence; where, and subsequently at the village of Darnall,‡ his children were

\* In his will, reciting the circumstance, (his altered prospects admitting of other provision) the duke "trusts Mr. Henry Howard, if he has not already done so, will take means to discharge his representatives from the liability."

† This circumstance will explain the terms of expression in the duke's will (*ante*, p. 43, *n.*). The agency had been formerly held by Mr. Sherburne, of the Stonyhurst family, a distant relation of Mary, late duchess of Norfolk.—*Hunter, Hist. Sheffield*, p. 150.

‡ Two and a half miles distant from the town, in the parish of Sheffield, writes Mr. Hunter, is the small village of Darnall, inhabited for the most part by agriculturists and persons engaged in the collieries or the different departments of the Sheffield manufactures. The capital mansion of the Staniforths, in the heart of the village, was built in 1723 by the father of the present inhabitant. After the death of Mr. and Mrs. Staniforth, and the removal of their eldest son to Liverpool, it was some time the residence of Henry Howard, esq., father of his Grace the duke of Norfolk.—*Hist. Sheffield*, pp. 252, 254.

born, between the years 1765 and 1774.\* In the interim the *Cross Moline*, if it shone not with greater brilliancy, revived in expectancy and hope. By the desolation of the duke in the loss of his favored nephew and heir, Edward Howard, in 1767, the issue of his brother Philip, had become extinct in the male line; and Mr. Henry Howard of Sheffield had only the Greystoke family between himself and the dukedom; but, like Mercutio's wound, it was "enough;" and the heir in remainder became food for worms an untitled gentleman. The duke, however, took a just and favorable view of the nearness of propinquity of the Howards "of Sheffield" to the line of honor in succession, and their absolute dependence on himself; and in addition to the settlement before mentioned,† by which Mr. Henry Howard of Sheffield, and his heirs, became entitled in remainder to the ducal estates, on the extinction of the Greystoke family, he, the same year, made a deed by which, on his decease, Mr. Henry Howard would become immediate heir to the Derbyshire manor of the Talbots;‡ hence, on the accession of Charles Howard of Greystoke to the ducal honors, Mr. Henry Howard of Sheffield abandoned a nominal for a territorial designation, and became Mr. Howard "of Glossop." At the same time, the Surrey farm, dowry of his grandmother, expended by himself, also reverted to his family. By his will, the duke devised to trustees the "Hook farm, in the county of Surrey," with directions that it be settled on the children of Henry Howard of Sheffield and his wife Juliana; and

\* The sons were, Bernard Edward, born at Sheffield, 1765; Henry Thomas, born 1766; and Edward Charles, born at Darnall, 1774; the daughters, Mary Bridget, born while her parents were at Worksop, in September, 1767; and Juliana Barbara, born 1769, at Darnall.—*Hunter, Hist. Sheffield*, p. 102.

† Page 29, n.

‡ By Indentures bearing date the 8th and 9th September, 1767. The duke reserved to himself the power of charging the estate with annuities to the extent of one hundred and twenty pounds per annum; of which right he availed himself in his will.

he constituted the former executor of his will and residuary legatee of his personal estate. The year 1777 realized these expectations, and established the Howards of Winchester as a new dynasty, to rise or fall by the doom of time. Mr. Henry Howard survived his accession of independence ten years; and in 1809, when Mr. Hunter and others explored the vault beneath the Shrewsbury chapel, in the church of St. Peter, Sheffield, the only remains they discovered were those of Gilbert earl of Shrewsbury, 1616, father of Alatheia, countess of Arundel, whose noble inheritance in days of adversity long passed, had been the chief support of the impoverished house of Howard; and a coffin, with the following inscription:—

HENRY HOWARD, Esq.  
of Glossop,  
Obt. 11 Nov., 1787,  
Ætatis 74.\*

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\* Hist. Sheffield, p. 150. Mrs. Juliana Howard survived her husband about twenty years; and was buried at Ingatestone, in Essex.

## CHAPTER X.

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Long absent Harold re-appears at last.

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## THE LINE OF POVERTY RESUMED.

PLEASED with the present, thoughtless of the future, we left young Walter Howard on board the good ship —, bound for Oporto, where he arrived in the year of grace, 1773, with the designed object before him of receiving instruction in the mystery of wine; but whether he was endowed with those laudable aspirations for independence by self exertion, so highly extolled by Mr. Charles Howard of Greystoke; whether he entertained the notion of becoming “a useful great merchant,” and devoted his energies assiduously to the acquisition of knowledge in the curious branch of industry professedly designed for him, and profitted by any instructions he might have received; or whether he disported himself as a young gentleman of good family and expectations, placed in a profitable way of life merely as a temporary occupation or amusement, must be gathered from circumstances. It does not appear that his commercial pursuit furnished any serious occupation, or restrained him from the pleasures and recreations of gentlemanly life; nor were his means insufficient for its enjoyment; whence it may be presumed that his supplies were not doled out with a too niggardly hand, and that the industrial object of his expatriation had not been severely directed. His principal employment seems to have been amusement,—perhaps his occupations were light and in-

teresting, and he made them pleasures. It might have been assigned his duty to travel the wine districts, in order to become acquainted with the distinct character of the natural vintage, and the growth of particular estates; he might have been instructed to study their particular character, flavour, *bouquet*; and the divine act of mixing the various qualities to the palate of delicate appreciation. Whether any of these objects or mere pastime led him from the occupations of town life, certain it is that he went much abroad, was familiar with the face of the neighbouring country; and occasionally, with his gun, enjoyed the sports of the field, with a zest perhaps peculiar to English life. Five years had passed thus agreeably when his father died, and about the same time,—within a month,—his generous benefactor, Edward duke of Norfolk, closed his long career; but whether or not the latter circumstance affected in any degree the maintenance of his position at Oporto, his return to England was hastened by an occurrence personal to himself, that threatened to sever with a rude hand the promise of his days.

It happened about this time that Mr. Howard had on several occasions encountered a peasant—the same man,—who, in distant parts and secluded places, had come upon him unawares. In fields and wooded shades, remote from each other, the same man, as if by enchantment, had risen in his path. Mr. Howard had been too long in the country, and was of a bodily frame too robust to fear an unarmed peasant; and he had no enemies whose vengeance he had to dread. If the meetings had not seemed casual, the greetings that accompanied them,—far from unpleasant,—disarmed suspicion, or he might have thought his footsteps had been dogged; but so it happened; and the recurrence, after salutation on the one part and recognition on the other, had often resulted in conversation on passing events; for the man was both intelligent and communicative; and was ever ready with an explanation for his

presence at the particular place and time of the strange encounter.

On the last occasion of their meeting, Mr. Howard was out with his gun, and the peasant, as usual, had agreeable knowledge to impart of the whereabouts of game; a subject *à propos*, and interesting at the moment, for the young sportsman had gone over much ground with small success, and was not undispensed to listen to the tale. Resting with both hands upon the muzzle of the gun, and his chin upon his hands, with the listless attention of one half tired and disposed rather to hear than to talk, Mr. Howard took his ease in an attitude in which sportsmen of the last century, if we may take the evidence of antiquated prints, were not unaccustomed to indulge. At this moment,—had he been watching for his opportunity, one perhaps so favorable had not before occurred,—the peasant, stooping carelessly as if to pick up a stone, suddenly pulled the trigger of the gun, and made a hasty retreat, leaving his bleeding victim apparently dead upon the ground. How he was discovered by villagers returning home from the labours of the day: kindly tended by female hands, when the severity of his wounds rendered him entirely helpless, and wholly dependant on “woman’s heavenly mission” for the many little attentions and the watchful solicitude that contributed so much to his ultimate recovery; and with what careful regard he was borne to his foreign home at Oporto, might fitly make a chapter more exciting than romance. It will be sufficient, however, to state that the charge had passed through both hands, making sad havoc with the lower part of the head and face: indeed, for some time, the life of the poor youth was in considerable danger; and the injury to his hands was observable, in contracted sinews, to the end of his days.

The peasant was not again seen, nor from description could any trace be found of his whereabouts; and though no motive, present or remote, occurred to the sufferer at the

time, yet speculation at an after day, united to other circumstances, would sometimes involuntarily force themselves on his mind, of a design of assassination in a way least calculated to excite suspicion,—that might appear to the world,—if the world should ever come to the knowledge of the fact,—as the accidental result of the careless use of a sportsman's toy.

When sufficiently recovered from his wounds to encounter the voyage, Mr. Walter Howard returned home,—a young man in the twenty-first year of his age. Home? Where was his home? His parents were dead: his aged patron had closed his long account with the world. Where should the crippled youth find his home—where seek a friend? If the record that closed a former chapter\* had told a true tale, Mr. Walter Howard would have returned to England duke of Norfolk; but the statement was an error, occurring—no matter how;—certainly not with the connivance or contrivance of the maimed son who was abroad, nor of Mr. William Howard himself, whose days had been numbered to their last moon; yet it bears strange affinity to the tradition that he had been called “brother,” by the “eccentric” Charles Howard of Greystoke, whose succession to the dukedom had been for ten years the subject of settlement, and who followed him to the grave as chief mourner! It would be in vain, at the present day, to endeavour to account for the remarkable and mistaken announcement. Error though the statement be, the fact is significant that the name of William Howard was so well known in connection with the ducal family as to have become associated with the collateral heirship of the Norfolk honors; while that of the actual successor—the recluse Charles Howard, not unfamiliar to the literary world by his several published works, could hardly have been less known or unknown to the accomplished editor of the *Gen-*

\* Page 364.

*tleman's Magazine*.\* Nevertheless, how far from the direct truth! The fountain of charity erected by the late duke in his last moments, was the only visible tie that bound the memory of the past with the hopes—perhaps the expectations—of the actual present; and, without repeating the arguments of Archdeacon Paley or the assumption of Mr. Banks, there it yet stands in record—let it be of the simple fact, that in 1777, Walter Howard, living with Mr. Searle, at Oporto, had been an object of remembrance and of sympathy with the aged duke.

With a capital secured to him of “one thousand five hundred pounds South Sea Stock, and the accumulations thereon,” for industrial purposes; or a life interest of forty-five pounds per annum, Mr. Walter Howard, a youth, under age, arrived in England, with the world before him, to carve his way as best he might. The duke—the new duke—who had mourned over the grave of the father, became the friend, he might have been the counsellor, of the son. With his published opinions on the dignity of trade or the non-degradation of commercial pursuits, it might have been expected that he would have incited the young Walter to pursue the path of industry that had been indicated for him by his deceased patron, and become the living monument of his own ideal of reduced nobility—“a useful great merchant.” But if the same activity of zeal—the same industrial ideas that guided the pen of the desponding commoner had accompanied the writer to his noble ease, there is nothing to shew that the proposal had ever been made: certainly it was not adopted: consideration for his youth, commiseration for his personal disability, at an early period, may perhaps be alleged as an undisposing

\* “Thoughts, Essays and Maxims, chiefly religious and political, addressed to his son, by Charles Howard of Greystoke, esq.,” 1768, was reviewed in the *Gentleman's Magazine*, v. xxxviii., p. 34. “Historical Anecdotes of several of the Howard Family,” by the same author, 1769, was reviewed in the *Gentleman's Magazine*, v. xxxix., p. 350.

cause; and introduced a mode of life which habit, not stimulated by actual necessity, confirmed. Could it have been that Mr. Walter Howard became to Charles duke of Norfolk, the "hang-on gentleman," which Mr. Charles Howard of Greystoke had deprecated as the scandal of impoverished nobility? It has been written by one who assumed to know something of the family story, that "he and his father before him had been humble dependants on the ducal family."\* Whether such had been the fact, or the circumstances otherwise, it cannot be denied that the narrow income on which it is said the father had lived by the agency of duke Edward, was continued to be received by the son unquestioned as of right, or ungrudged as of charity, from the agent of the first duke Charles. With the addition of the revenue from his South Sea Stock, it was ample for all his wants: he had no need of industry to eke out a comfortable subsistence; and ambition of wealth, beyond the supply of his moderate desires, he had none. For commercial pursuits he had no inclination; and if his five years residence at Oporto had been servitude in a trading occupation, perhaps, neither aptitude nor talent; since, in his greatest penury, it does not appear to have occurred to him to adopt any industrial pursuit to relieve his necessities or increase the pittance on which he lived—or starved: but it must then be said for him that he was too old to commence a career:—

At seventeen years many their fortunes seek:

But at fourscore it is too late a week.

As a country gentleman he would have managed his estate with economy and profit: he understood the course of agriculture, and his general knowledge of country life must have been the result of considerable observation. His pleasures were amid the beautiful scenery of nature's works; his happiness the economical ease of rural life; and his delight the poets that describe them with the happiest

\* Ante, p. 13. *Gent. Mag.*, v. lxxxvi, pt. i., p. 66.

effect. Some loose papers in his own cramped penmanship, contain selections that mark the character of the man, and express the modesty of his contentment:—

“ Not pinched with want, nor cloyed with wanton ease;  
Who, free from storms that on the great ones fall,  
Makes but few wishes and enjoys them all.”

But these unquestionably were the aspirations of adversity rather than the meditations of contented ease; and refer to later years when misery had long been the familiar companion of his hearth. His early manhood afforded no pressing necessity to become reflective—no occasion to seek diversion from the sufferings of penury in contemplation of the sufficiency he enjoyed. Happy had it been for his after years if he had then sought an explanation of his resources, and understood their foundation and stability: that he did not do so is an enigma that may surprise, but is not perhaps beyond solution. From early childhood Walter Howard had been accustomed to the caresses of the duke: Norfolk house had been familiar to him as his parents' home: duke Edward had been the patron and friend of his youth: and when he returned to England crippled and helpless,—his ancient friend no more, and his parents deceased,—he looked to the duke in possession—the friend of his father,—spontaneously as the guardian of his early manhood. His supplies were continued; and he accepted them, as an accustomed due; or, it may be, as a right accruing since his parents' decease. It was not during the lifetime of the successor of duke Edward that they were questioned; and the earliest murmurings that appear upon record are, that debts had been brought against his inheritance. In the words of his own memoranda, when ill-treatment had produced angry reproaches, “false debts had been charged upon the estate at the decease of his parents.”\* The first duke Charles, overwhelmed by the greatness of a fortune he was wholly unfitted to enjoy or

\* MS. 1797. Penes me.

to dispense with dignity, was contented to accept the magnificent trust with all its contingencies as he found them. His interest in the estates had been limited and defined by the settlement of duke Edward; his control of the personalty by the duke's will.\* The repose of his short tenure of nine years was unbroken by any great act of nobility, of public scandal or private censure. Unkindness or a want of generosity, amidst plenty, were not among his eccentricities; and too rigid a scrutiny of the obligations of the Howard he had followed to the grave and mourned as a "brother" would hardly have been consistent with the christian philosophy he had professed in print: the obligations of the parent, whatever they may have been, were not allowed to press heavily on the fortunes of the son. It is not improbable, however, that Mr. William Howard, limited in his income, may, in his latter days, have incurred debts, and left them by necessity as the sorry legacy of his heir, which a succeeding trustee, of a different cast of morals, may have felt himself called upon in stern justice to exact. Such are the speculations that will naturally arise from the study of an isolated fact. But the fact and the circumstances in their result, apply, in order of time, to the second duke Charles, who must be introduced to the reader before any estimate can be formed of the claims to sympathy of his contemporary, Walter Howard.

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\* Ante, pp. 28, 360.

## CHAPTER XI.

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Have you the lion's part written?  
 If you have, I pray you give it me,  
 For I am slow of study.

What a pretty thing man is,  
 When he goes in his doublet and hose,  
 And leaves off his wit!

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## THE LAST OF THE GREYSTOKE LINE.

MR. Charles Howard the younger, of Greystoke, born in the year 1746, was twenty-one years old before his father became presumptive heir to the family honors, and thirty-one when he actually succeeded to them. At forty himself became duke. "His education," writes a contemporary biographer, "had been narrow, and his habits far from such as connected him with the world and high society. He had been brought up a violent catholic, partly at Douay, partly in the north of England with a private tutor, and surrounded by priests."\* Such a training, in the opinion of his philosophic parent, fitted him for a model of the virtues. "I have given you," wrote the father, in the face of the world,—“I have given you my opinion upon conversation and company; and, thank God, I believe you are so well principled and instructed in religion, both as to faith and morals,—having had the best education that I could give you in relation to those points,—as to avoid all the pedantry of humanizing the mysteries of religion to the

\* *Gent. Mag.*, v. lxxxvi., pt. i., p. 65; *Ann. Biog.*, v. i., p. 105.

vulgar gross sensation of men.”\* The careful training of his heir and the parental solicitude for the consistency of his course of life, again appear in the dedication to his son of the “*Historical Anecdotes* of some of his ancestors (as patterns worthy of his imitation,) hoping that he may live up to the motto contained in the emblematical plate (in every sense it may be explained in) prefixed to these memoirs.”† It was one of his *maxims* that “without religion it is very difficult upon trial to be truly honest;”‡ yet for the strict discipline of a faith that admits of no dissent, the teaching of Mr. Charles Howard was rather loose in morals as respects the balance of faith with the “winning side” in the political world.§ Is it surprising then, with the way so well prepared for him, that his son, ambitious of public action, should abandon the losing game his fathers had been so long playing, and “warp his mind from the cool conviction and truth” they had so resolutely maintained through adverse days? Yet, if his parent had been a true prophet, the apostasy supplies a key to all his future life. “After their recantation,” writes Mr. Charles Howard, “or what in Ireland is called *swallowing the scorpion*, their minds are unhinged, and their internal happiness is so affected by their future hopes being destroyed, that, by way of dissipation, or, if I may

\* *Thoughts, Essays and Maxims*, by Charles Howard, esq., dedicated to his son, 1768.

† The title of the work runs: “*Historical Anecdotes of some of the Howard Family*, by the honorable Charles Howard, esq.; dedicated to his son, Charles Howard, esq. of Greystock Castle, Cumberland, 1769.” The emblematical plate is an oval device on the title page, representing a rural scene, intersected by a rivulet. On the high bank of the stream, to the left, stands a castle (*Greystoke?*). On the opposite side, in the background, appears a modest homestead, with cattle beneath a shed (*Deepden?*). The principal figure in the foreground, is a tall handsome sapling, with an aged pilgrim bending to its trunk, and with both hands supporting it in the perpendicular. Above, the motto *Gratus Posteritati*.

‡ *Thoughts, Essays and Maxims*, ut supra.

§ *Ante*, p. 25.

be allowed the expression, by way of flying from themselves, they are hurried on into every pleasurable vice.”\* At the age of thirty-four, when he had been three years the heir apparent of a duke, Mr. Charles Howard read his recantation of the errors of popery ; which enabled him the same year† to contest Carlisle (*where he had already formed a party*) against the Lowther interest, and take his seat in parliament as member for that city. In politics it need only be said, that the “ earl of Surrey ” advocated the principles of Mr. Fox ; obtained the credit, by his weight and family influence, of materially assisting to turn out the ministry of lord North ;‡ and by the Rockingham administration, “ which showered honors, titles, and preferments on its adherents, in 1782 was rewarded with the Lord Lieutenancy of the West Riding of Yorkshire, and the Colonelcy of a militia regiment attached. Perhaps the earl was a little too boisterous in the liberalism of his party views : coadjutor with Horne Tooke, he joined several associations advocating extreme measures ; and in 1799, he lost his appointments under the crown, for toasting *the Majesty of the People*—rather advanced politics for a duke !—at a Whig Club dinner.§ In 1782, the earl had been appointed deputy Earl Marshal to his father ; and four years later succeeded to all the family honors. The one he most prized, perhaps, was the Earl Marshal’s staff ; he never appeared without it on any great occasion ;|| and his robed portrait, seated in an arm chair, represents him dangling the official baton in an attitude not remarkable either for grace or dignity.¶ The duke had no pretensions to oratory ; yet his attendance in the House of Lords was pretty constant, and he took an active, perhaps it may be

\* Thoughts, Essays, &c. by Charles Howard, esq. † 1780.

‡ Ann. Biog., v. i., p. 107.

§ Ibid., p. 111.

|| Gent. Mag., v. lxxxv., pt. ii., p. 631.

¶ See the engraving, after a painting by Hoppner, in Dallaway, Hist. Western Sussex, v. ii., pt. i., p. 187.

said a pertinacious concern in the private business there. He had a minute and inexhaustible curiosity, and took a passionate and capricious interest in the affairs of individuals, both personal and local. To divorce cases he paid particular attention; and on those occasions, must be allowed to have been *liberal*, for he was always particularly solicitous to obtain a suitable provision for the unhappy female who had deviated from the strict line of chastity.\* In the committees for privileges, which he considered it a part of his official duty to attend, it has been said he displayed jealousy of fresh claims, and rather leaned against the increase of the English baronage. His talents are said by those who knew him intimately, to have been quick, comprehensive and sagacious; but they surely wanted that, without which talents are rather dangerous and offensive than useful and ornamental,—they were not softened or liberalized by early education or the native and inestimable gift of tender or moral feeling. If they were acute, it was a hard and unbending acuteness! He had inherited some at least, if not a large portion, of the qualities ascribed by lord Clarendon to his ancestor, Thomas earl of Arundel. His mind was too much engrossed by the phantom of the exclusive greatness of the Howards; but it seemed as if he was not at his ease on this favorite idea; he had a lively and never-sleeping jealousy of other families; he watched their pretensions with a severe and prejudiced solicitude, unbecoming the firm consciousness of the great family he represented.† Had his knowledge always been accurate, his mind disciplined to survey and balance both sides of the question calmly and without internal influence, this turn, though somewhat beneath a great mind in a great station, might have been at least harmless. But there are details to which it is scarcely possible to believe that a great mind having an opportunity to exercise itself on great

\* Ann. Biog., v. i., p. 116.

† See the defence of the duke, by his Official Secretary, ante, p. 23.

things can descend.\* In his private affairs he exhibited a knowledge of the world seldom to be met with in persons of high rank. He was singularly gifted with that talent usually designated *shrewdness*. It was impossible for a petty tradesman to overreach him, so conversant was he in the minutiae of business; and this perhaps led to details and results not strictly ducal.†

Other points in the duke's character seemed to indicate an equally equivocal symptom of calm and well-founded elevation. A studied neglect of dress, even to a striking and grotesque singularity,—to a rude inelegance proper for a low and penurious sphere of life,‡—seemed a trap for petty distinction;—to excite inquiry, and then surprise by the answer. A duke of Norfolk with a vigorous mind and a powerful revenue, wanted no artifices to secure respect, attention, and even wonder. Pleasure and gratification were so much within his power; nay, exercises as virtuous as keen were so hourly within his reach, that if any one so circumstanced should seek after perverse and ungenerous modes of superiority or enjoyment, it must (to speak mildly) excite some regret at the weakness of human nature! The low may be forgiven, though not justified, for envying the high; but loftiness of station makes the generous heart treat those beneath it not only without jealousy, but with a placid desire to soften and efface the painful and unworthy sense of degradation. There is a disciplined and considered manner due to different stations of life. Coarse, familiar, and apparently free and equal tones of conversation, from men enjoying the most elevated rank, are but traps to

\* Gent. Mag., v. lxxxvi., pt. i., p. 66.

† Ann. Biog., v. i., p. 116.

‡ Gent. Mag. "A new suit," writes a personal observer, "was so singular an occurrence, that on the duke entering the House of Lords a few years ago, a buzz of wonder took place from the time he passed by the side of the throne until he was seated; after which, as if by universal consent, there was a short ejaculation of 'a new coat' both within and without the bar."—Ann. Biog., v. i., p. 124.

draw insults on the inconsiderate and unpractised members of inferior classes. Between familiarity and dignified ease there is a wide division. However agreeable some may esteem plain, direct, and downright expression, and consider it as a proof of a strong and sound mind, there are at least high places which it does not become; and where it argues narrow views and even a blind rashness, rather than true wisdom.\* It has been deemed no small inconsistency in the character of the duke, that he, who while sitting as representative for Carlisle, was so justly jealous of public liberty as to be the first actually to throw out a money bill *amended* by the Lords, should afterwards have disgraced his character by a traffic in rotten boroughs.† Political influence and the command of a certain number of legislative seats, has often been, in this country, a favorite ambition with great peers. They have enjoyed the power which was the fruit of it; but few, like Charles duke of Norfolk, have taken a pleasure in the means by which it was effected. His Grace loved the roar, familiarity, freedom, and licentiousness of an election hall and election dinners: a curious occupation for the heir of the proud and lofty Howards and Mowbrays !‡

The duke had not read much; and nothing with scholar-like attention and skill; but his friends say, that he had a natural penetration which enabled him to seize the pith of many books by a slight glance at their contents. He affected the patronage of literature, but it was expressed in a way peculiarly his own. He contributed handsomely, it is said, to the expenses of publishing Dallaway's *History of the Western division of the county of Sussex*;§ while

\* Gent. Mag., v. lxxxvi., pt. i., p. 66.      † Ann. Biog., v. i., p. 119.

‡ Gent. Mag., ut supra.

§ The first volume of this work, though dedicated to the duke, was not published in the lifetime of his Grace. In 1793, Mr. Dallaway dedicated to Charles duke of Norfolk, E. M., an *Inquiry into the Origin and Progress of the Science of Heraldry*; which procured for him the appointment of Secretary to the Earl Marshal; an office he held at the decease of the duke;

his conduct to another author whom he patronized, was so far from being magnanimous, that Tonson would have disdained, and Curll himself would scarcely have practised so mercenary an act.\* The generosity of the duke, therefore, was rather capricious than genuine, and sustained by all the impulses of the unassured character described.

In his private hospitality the duke displayed a liberality, that,—essential to his own pleasures,—though it might discover a foundation in ostentatious display, acquired no impulse from a generous spirit. Literary men, it is true, were frequently present at his board; and “one of the best lyric poets of the age there first exhibited some of the choicest specimens of his convivial muse;”† but as no duchess did the honors of the table, and the company was composed of one sex, the sacrifices to Bacchus, frequently prolonged till the broad glare of next day’s sun lighted home the guests from the banquet, exhibited scenes of

and under the signature E. M. S., in the *Gentleman’s Magazine*, beslobbered with faint praise the character (he could not repair) of his deceased patron, in reply to the biographer quoted in the text. Mr. Dallaway died in 1834, and lies beneath an aged thorn in the church-yard of Leatherhead; of which parish he had been many years vicar.—*Brayley, Hist. Surrey*, v. iv., p. 445.

\* *Ann. Biog.*, v. i., p. 117. A translation of Plato by Mr. Taylor, on the printing of which the duke had advanced some monies. The copies of this work were impounded by his Grace for his alleged debt; “and the volumes,” writes the duke’s biographer, “are at this moment, it is said, in a garret at Norfolk House.”—*Ibid.*

† *Ibid.*, p. 120. The muse of Capt. Morris revelled in the bowl, and became sentimental or obscene as it skimmed the surface or dived towards the bottom. His “choicest specimens,” like his successor in the lyric mantle, he did his best, in after years, to suppress. “Lord Holland does not seem to think much of Morris’s talent in general,” writes Thomas Moore; “and, in the two manuscript volumes of songs he left behind him, I found none,” he adds, “but the few already known to me, that were at all worth saving from oblivion.”—*Moore’s Mem.*, ed. by earl Russell, v. vii., p. 248. The biographer of Morris has, of course, shewn him a reformed man; but years did not blanch his stained character; and at the age of eighty-one, in decent society, in the presence of women, “poor old Morris was a little cut.”—*Beattie’s Life of Thomas Campbell*, v. ii., p. 227.

boisterous mirth, that rather pall on the sense than please on reflection, and cannot truly be called—

Noctes, Cœnæque Deorum.\*

In person, the duke was short, thick, and far from elegant. His face, not unlike the prints of Cardinal Howard; but immense whiskers, which he latterly suffered almost to overgrow his cheeks, gave a most uncouth appearance to his countenance.† Nor did his outward impression falsify the character of his mind; for the duke, was essentially vulgar in his ideas; licentious in his habits; coarse in manners; vicious in his tastes; ungenerous in his patronage. “Tell me the company,” wrote his parent, “and I will tell you the man, is an old trite proverb.” Of his friendships, among the earliest and the latest, was the celebrated Captain Morris,—celebrated, if notoriety may be so miscalled—for the licentious ribaldry of his songs at the festive table of George prince of Wales:‡ another intimate,—disgraceful sympathy!—was the more notorious Mr. Stoney Bowes; “whom the duke visited,” writes his biographer, “both in the King’s Bench and within its rules, with a constancy and uniformity seldom equalled!”§ The former the duke

\* Ann. Biog. v. i., p. 121.

† Gent. Mag., v. lxxxvi., pt. i., p. 65. The duke, a *bon vivant*, grew fat, cumbersome and unwieldy, adds the writer in the Annual Biography; and *after dinner*, with his regimentals on, appeared ill-suited for the profession of arms.

‡ Morris had an annuity of £200 from George the Fourth. “All proper for a wonder,” wrote Thomas Moore, after perusing the manuscript volumes of songs, which the widow of Morris offered for sale; “I had not the least idea he had written so many *producible* lyrics.”—*Moore’s Mem.*, ed. earl Russell, v. ii., p. 175; v. vii., p. 246.

§ Ann. Biog., v. i., p. 118. Capt. Stoney took the name of Bowes on his marriage with the countess of Strathmore. He died in the London Road, St. George’s Fields, within the rules of the prison, in 1810. “His conversation was shallow,” says his biographer; “and his education bare.” To which, it is added, that he was “a most accomplished villain—without a single countervailing quality. He considered all females as natural game, and hunted them down as so many *feræ naturæ*. Under the cloak of friendship he made instruments of mankind as he called for them, and in

has associated with his memory, and, in portraiture perpetuated to posterity, as the representative of Almeric de St. Maur,\* *Master of the Knights Templars in England*, among the pictured heroes of *Magna Carta* story,† in the Baron's Hall at Arundel Castle. Captain Morris, we are told, with whom the duke had formed acquaintance in early life; in whom he was accustomed to delight in his social and unreserved moments; with whom he kept up a regular uninterrupted friendship; was one of the latest visitors of his death bed: on that last occasion, the duke is said to have detained him many hours, and at their final parting to have expressed for him his great regard.‡ How did his Grace illustrate this expression? Nobles and kings of former days have rewarded their buffoon by casting him their purse of gold. The duke symbolized his great regard for the lyric poet who had *delighted his unreserved moments*, by a legacy of—*nothing*! Yet Morris, it is said, had claims on his generosity; perhaps on his justice: he had assisted him in all his elections; he had solaced many a dull hour with his converse: he had taught the muses to shed their influence and diffuse hilarity over his festive board!§

his arts of seduction he refined above all others."—*Lives of Andrew Robinson Bowes and the Countess of Strathmore*, by Jesse Foot, esq. 8vo.

\* Perhaps by nominal deduction, *i.*—Saneto-Mauro, Maurisco, Morris. The St. Maurs, however, are claimed as the progenitors of the illustrious family of Seymour.

† The duke himself, abandoning ancestral claims to represent the Bigod, earl of Norfolk; the Mowbrays; the Albini; or even the historical Earl Marshal,—all participators in the struggle of the king and his barons; represents the turbulent "baron Fitzwalter," *Banner bearer of London, and Marshal of the Army of God and Holy Church*, who in the design has been made the principal character; with "Henry Howard, esq., of Grey-stoke," [??] attending, in the character of a page. See *Tiernay, Hist. Arundel*, p. 86.

‡ *Ann. Biog.*, v. i., p. 113.

§ *Ibid.*, p. 118. "The duke," writes Thomas Moore, "left him no legacy, though he devoted his whole life to him; nor ever gave him anything but the life interest in a small cottage, where he always passed the summer months."—*Moore's Mem.*, ed. earl Russell, v. ii., p. 175.

To another class of persons,—by report a very numerous class,—the duke's *forgetfulness*, to call it by no harsher name, is at once odious and disgusting. Although, in this case, the law proscribes the name, it nowhere disallows the duties of a father. And yet, of those who called themselves his children, some were entirely forgotten; while others were scantily provided for; more especially one whom he admitted to his house and treated with a degree of kindness, that gave a right to expectation.\* The neglect of moral obligations is not extenuated by circumstances that may have produced them; nor can domestic visitations become afflictions where nature has denied the sensibility of grief. Opposed to the condemning evidence of patent facts, vapid on the ear falls the testimony to character—of a friend. “To the sorrow,” writes Mr. Howard of Corby, “for the loss of my friend and patron, I must add a lament for his hard lot in life, respecting the two ladies to whom he was tenderly attached;—the first taken away in the most afflicting manner when his hopes were at the highest; the other, bereft of reason soon after marriage. There is no one in mind or feeling, better suited or more disposed for the full enjoyment of domestic happiness; and no one, I am convinced, had he been spared these misfortunes, *would have been more regular.*”† With the most ample resources at his command, a man of the amiable qualities described, sensible by impulse to “nature’s sacred voice,” would have hushed for ever the notorious scandal that adheres to his name, by performing the only duty that his low and indiscriminate amours had imposed.

Without any legitimate heir, and other paternal claims *forgotten*,—with large unentailed estates and immense personality,—the trifling legacies left to a few friends, as coming from a duke of Norfolk, may be considered rather marks and expressions of esteem than testamentary bequests.‡

\* Ann. Biog., v. i., p. 118.

† Family Memorials, fol., 1836.

‡ Ann. Biog., v. i., p. 118.

Such was the last duke of the Greystoke Howards. Well might his biographer exclaim: *Fancy loves to draw the heirs of old nobility in others colours*.\*

Negligent and careless of outward shew, as some of the traits here delineated would seem to prove him to have been, the duke, was in truth, the reverse. He kept a great pomp and state in all his establishments: at Holme Lacy, at Arundel Castle, he was indeed a Howard!† He repaired and adorned his country seats; he expended vast sums, though not in the best taste, on the venerable castle of Arundel; he bought books and pictures; and was zealously and sedulously attentive to everything that could illustrate the history of his own family; which he regarded with such unlimited attachment that the most *remote suspicion of alliance combined with the name* could always command his good offices. An instance of this occurs in the unhappy madman,‡ of whom the newspapers are so often

\* Gent. Mag.

† Ann. Biog., v. i., p. 121. Holme Lacy, the venerable seat of the Scudamores, in Herefordshire, which, with other valuable estates, the duke acquired with his second lady, Frances, daughter and heiress of Charles Francis Scudamore. Very shortly after her marriage, in 1771, the unhappy lady exhibited symptoms of mental derangement; and ever after lived in seclusion. The carousals of a debauchee in the home of her fathers, do not display in delicate colours that tender affection attributed to the duke by his *protégé*, Mr. Henry Howard of Corby.

‡ The *Earl Marshal's Secretary* rings the changes by describing the heir of poverty "the *poor maniac* who has so frequently obtruded himself on public notice."—*Gent. Mag.*, v. lxxxvi., pt. i., p. 104. Mr. Banks pertinently replies: "With what degree of truth *E. M. S.* can state W. H. to be a poor maniac, I am at a loss to know: probably had *E. M. S.* the same cause of complaint he would exhibit similar impatience at the hardship of his treatment and the heavy hand of justice with which he was afflicted. Were W. H. to commit suicide the inquest would most likely return their verdict *felo de se*, though were *E. M. S.* or any dignitary of the Church and State to perpetrate the same rash action, he would be found a *lunatic*. Thus, a poor man like W. H. may be represented to have lived a madman and die in his sober senses: while a person of more happy fortune, who should possess every faculty of the mind, would be deemed to have died insane. The case of W. H. is one most worthy of investigation; and it is

full,\* and who so often beset his Grace's door in St. James's Square. This man, and his father before him, have been humble dependants on the family; and the duke never ceased to employ every inquiry to ascertain their descent from the family; but in vain. The only branch from which it is said to be *possible* for them to have descended, is the *Effingham* branch . . . . .†

Had this been even so, surely there was some claim to the sympathy of the noble Howards; and if mental aberration had added incapacity to misfortune, surely the appeal to their humanity had none the less force, when common charity might have wrung a pittance. On all the premises, a wealthy Howard, from the superfluity of his inherited store, to another of his name,—perhaps of his blood,—without disparagement, might have said—

Are we not brothers?

So man and man should be:  
But clay and clay differ in dignity  
Whose dust is both alike.

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only to be lamented that there are generally too many (like *E. M. S.*) inclined to add insult to oppression, and too few ready enough to come forward and support the cause of poverty against the arbitrary influence of wealth and power . . . . .”—*Ibid.*, p. 392.

\* The *Earl Marshal's Secretary*, flattered by the sympathy, responds: The memoir-writer “cannot but have suffered with every man of a liberal mind the disgust excited by those effusions of morbid malignity which have lately been admitted into certain *Sunday* newspapers. He has expressed his disapprobation . . . . .”—*Gent. Mag.*, v. lxxxvi., pt. i., p. 104. The *Examiner* doubtless smiled blandly at the compliment.

† Character of Charles Howard, duke of Norfolk, who died Dec. 16th, 1815.—*Gent. Mag.*, v. lxxxvi., pt. i., p. 65.

## CHAPTER XII.

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The youth howe'er distress'd appears,  
Hath had good ancestors.

He said he was gentle, but unfortunate;  
Dishonestly afflicted, but yet honest.

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## THE LINE OF POVERTY.

WHEN Mr. Walter Howard was scribbling his Journal with *Love's question*; balancing in verse the enduring potency of black eyes and blue; and eulogising the charms of a "harmless country maid;" it is very strongly to be suspected that he was thinking of Miss Jane Martin, of Gateside, in Northumberland. It is known, for the poet tells, that—

— loving goes by happes,  
Some Cupid kills with arrows, some with traps;

but how chanced the haps or what were the traps that brought together this constant and unfortunate couple has been kept sacred to oblivion. It is not now to be known whether he resolved the proposition and laid the cunning snare; or she, with a doublet and hose in her disposition,—stricken with the nobility of his carriage and lamenting the lowliness of fortune that mined his gentility, had cast her golden chain around his neck, and, with Rosalind, exclaimed:—

Wear this for me; one out of suits with fortune;  
That could give more, but that her hand lacks means.

The Martins were a respectable—not a great family; but then the Howards of the collateral branches, even of the

ducal lines, had not always made noble matches. "The alliances," observes the biographer of the last of the Grey-stoke dukes, in reference to his ancestry, "during the period of juniority, had been scarcely better than obscure, as the names of Tatershall, Aylward, and Brockholes will indicate."\* If speculation might be indulged, where the fact is of little moment, Miss Jane Martin was probably on a visit, with relatives in town,† when she ensnared the affections of Mr. Walter Howard; the parties were married in London, at the aristocratical parish church of St. James, Westminster, in the immediate vicinity of Norfolk House.‡ As circumstances do not indicate it to have been an alliance of interest, it was probably one of affection. No broad acres are known to have been the portion of the lady; reserved by settlement, to her and her issue, with a life interest for her husband: no dowry for the widowhood of the bride; secured to her on the estate, real or personal, of the husband,—or by the bond of a duke. The small fortune of Miss Jane Martin, appears to have been of the nature of a terminable annuity—dependent on the duration of an estate for life, and that not her own; so that it was, unhappily, at any time liable to abrupt termination, more or less to the inconvenience of the recipient. The incidents, indeed, were well adapted to puff some life insurance advertisement. Had they been previously known; estimated at their true value; and the *Threads of the Storm Sail* so

\* Gent. Mag., v. lxxxvi., pt. i., p. 65. Perhaps without intrusion might be added the Coppingers of Ballyvolane.

† A decaying branch of an old Durham family, seems to have been the parentage of Miss Jane Martin. Without reference to family origin or connections, Mr. Burke mentions a George Martin, of the parish of *St. James's, Westminster*, who married the daughter of John Nickleson, of Stanmore, Middlesex, a merchant of London. Mr. George Martin practised surgery, and was appointed Surgeon to St. Thomas's Hospital. His eldest son, John Nickleson Martin, a Captain in the army, born 1758, married, at Penrith, in 1785, Miss Elizabeth Hutchinson, of Crossfield, in Cumberland.—*Landed Gentry*, v. iv., p. 102.

‡ Herald's Office Pedigree, postea, p. 433.

well understood then as now, a more permanent income of some sort might probably have been secured from the uncertain resource; but the times were rude in the science of provident wisdom: the happy couple—indiscreetly it may be—set sail before the gentle breeze, heedless of the unseen distant rack,—unobservant of the atmospheric experience of the immortal bard:—

Full many a glorious morning have I seen  
Flatter the mountain tops with sovereign eye,  
Kissing with golden face the meadows green,  
Gilding pale streams with heavenly alchemy;  
Anon permit the basest clouds to ride  
With ugly rack on thy celestial face.

The tempest came: the mainsail shivered in the wind; and all was lost! Adopting a landsman's metaphor, the improvident, addressing his bitter fortune, might then have said:—

Why didst thou promise such a beauteous day,  
And make me travel forth without my cloak,  
To let base clouds o'ertake me on my way,  
Hiding thy bravery in their rotten smoke?

Late reflection! In 1793, Mr. and Mrs. Walter Howard had been overtaken by the deluge of the bursting cloud; and for want of forethought or the ill-understood security of some *provident wrapper*, they had suffered the inconvenience of an unprepared condition. In the year mentioned, they were in reduced circumstances; and Mr. Howard had become inquisitive on the subject of his former resources from the ducal family; which, from "debts brought against the estate," had long ceased to yield income. A letter, written some years later, recalls the occurrences of this date:—

"You must recollect," wrote Mr. Walter Howard to the duke, "in the year 1793, you sent me a message to call upon you at Norfolk House, when you expressed yourself in the most friendly manner towards me, and wished to serve me in every respect,—with the proviso of proving my

family; and that if I was of the most distant branch of the family I should be allowed £1200 a year from the Norfolk estates; and that lord Carlisle and lord Suffolk and the rest, would contribute according to my birthright. After further discourse respecting such family proofs required to entitle me to what you had expressed, you desired me to tell my wife to call upon you on Tuesday; and when she called accordingly, you told her you had *a small estate left in your charge and care belonging to me\** of about £400 a year, if I proved my family; worth, you observed, if I thought proper to sell it, about £7000 or £8000. *At this time I really did suppose you meant to have acted honorably by us . . . . .*"†

What language to address—to have the power to address—to a duke! But the recall to memory bears the impress of truth in every line. The duke's biographer has written that "he regarded his own family with such unlimited attachment that the most remote suspicion of alliance, combined with the name, could always command his good offices." If he had said "command a promise" of them, Mr. Walter Howard, many years earlier, had borne testimony of the fact,—and of several other qualities by the same writer attributed to his Grace; which, confirming his statement, tells the truthfulness of both. The "restless curiosity," the "passionate and capricious interest" only gave impulsion to the inquisitive power of the Earl Marshal

\* If this were so, and the title to it required proof of pedigree, it had probably been the estate of his father, William Howard, producing the income on which he had lived.

† Walter Howard to Charles duke of Norfolk. Letter dated London, 6th Sept., 1809.—*MS.*, *penes me*. This interview does not appear to have been the introduction of the parties to each other. A letter to the duke, dated Nov. 5, 1809, refers to an interview, on a subject not explained, in the lifetime of the first duke Charles. "My first application to you," writes Mr. Walter Howard, "was by the recommendation of your mother, when you held the title of earl of Surrey." This necessarily refers to a visit in or previous to 1784, in which year the duchess Catherine died.

to require the proof of family descent. In the first contingency the demand was not unnatural; in the second it seems rather superfluous; for if the duke held in trust an estate belonging to a particular family, the pedigree of the heir, so far as necessary, must have been known, to give authority for the declaration of the right of ownership. A claim to the support of the ducal family might depend on consanguinity; its extent, more or less, on nearness of relationship. The heirship to a trust estate would alone rest on the absolute right. Mr. Walter Howard had not immediately dropped from the clouds. The duke might have heard that he had been noticed by the ducal family, when himself had been little considered; and could not but have known that they both had been legatees,—the one by right of collateral heirship, the other, let it be assumed, by right of compassion, under the will of duke Edward, sixteen years bygone. If the will of duke Edward only raised “a remote suspicion of alliance, combined with the name,” the immediate parentage of Mr. Walter Howard was no mystery; and with the accessories for genealogical investigation at the command of the Earl Marshal, his ancestry, it is reasonable to suppose, might have been capable of satisfactory proof. What then were the ideas of the noble duke on the subject of Mr. Walter Howard’s descent? For whom, or for what branch of the family of Howard, had the noble duke, by representation, become trustee? How had been the descent of the small estate that awaited a right of heirship? These are questions, very pertinent to the elucidation of the subject, that might have been put and answered to its early solution. In some shape or other, they had long been subjects of question with the unfortunate person most interested in the reply, when the following letter, which seems to embody the case against him, was addressed by himself to the lord Chancellor of England.

“ . . . . . A child is wronged of his birthright ;” wrote

Mr. Howard to lord Eldon, "and when he comes of age and makes the discovery, he finds there is no redress for him in law."

"Another objection: I am asked if I can swear my father was my father, and so on to my father's father, &c. &c. Such absurd questions are only fit to be put by a school-boy. I can safely swear with truth, to the best of my knowledge and conscience, that I never knew any other father, than him I knew, and considered to be my father, William Howard; and many knew him as well at the Herald's Office; and Mr. Seymour, and the late possessor of the Norfolk title, (who was called Mr. Howard of Greystoke,) who were chief mourners at my father's burying; so I am informed by Mr. Seymour and others; and he died at Lambeth."

The "objection" irritated the writer to carry his rejoinder somewhat beyond the *retort-courteous*, and he concludes: "I apprehend it is more than the present possessor of the title of Norfolk can hazard to swear,—that he never had any other father than the late possessor of the title, otherwise Howard of Greystoke. . . . ."\*

In 1793, however, the "restless curiosity" of the duke was courteous; the "unlimited attachment for his family,"—the "remote suspicion of alliance, combined with the name," had burst forth in a premature shower of promises; and his poor unkenneled namesake "really did think he meant to act honorable:" but the Earl Marshal, jealous of honor, and guardian of the rights of legitimate representation, must be satisfied. "The duke ordered the carriage," said Mr. Howard, "went down with me to the Herald's office, and directed that my pedigree should be made out." An interval of suspense—it might be of anxiety, though not of doubt,—to one of the parties at least, ensued. The records of the College were ransacked; "*B. B.*, fo. 154," forthwith extinguished one proposed ancestor altogether,

\* Letter dated 18th Dec., 1809.—*Appendix*.

without issue; while "*C. 41*," directly opposed to the record of the *Black Book*, gave him a large family; which being in some sort confirmed in probability by "*6 D., 14, fo. 25*,"\* might have furnished a progenitor, honorable in ancestry, and allied with the blood of the noble duke; but that stock was abandoned for another of his name,—of doubtful, and imputed spurious, descent; and whose "existence and connections," in the words of the Earl Marshal's Official Secretary, "cannot be authenticated with any satisfaction." However, in due time the ducal order was fulfilled; a pedigree, in the following year, was supplied from the highest official source; and here it is:—

## WALTER HOWARD'S PEDIGREE,

*As received from the Herald's Office, 1794.†*

Sir Charles Howard, of Somersham, co. Huntingdon, knt., 6th July, 1657, and one of the band of Gentlemen Pen- sioners, 1667.	=	Elizabeth ....., daughter of ..... 1657.
James Howard, esq., son and heir apparent, 1667, living 1670-1, 1690, 1691.	=	Dorothy, daughter of Thomas Errington,..... 1667, 1670-1, 1691. Buried at Ford, June 16th, 1705.
Sir Charles Howard, married at Ford, Dec. 8th, 1687. Buried there 22nd Sept., 1705-6.	=	Eleanor, eldest daughter of Sir Francis Blake, of Ford Castle, co. Northumberland. Buried at Ford, 16th June, 1705.
Charles Francis Howard, esq., bapt. at Ford, 8th Dec., 1696, ob. 1737. Buried at Elsdon.	=	Elizabeth Hall, of Monk- ridge, living in 1782.
William Howard, esq., married in the Isle of Jersey. Died Oct., 1777, aged 52. Bur. at Battersea or Lambeth.	=	Catharine Titcombe, of the Isle of Jersey. Died in 1778. Buried with her husband.
Walter Howard, born 19th May, 1759, married at St. James's church, Piccadilly.	=	Jane Martin, of Gateside, Northumberland, born 16th Jan., 1760.

\* See Proofs, &c., Ext. 8.—*Appendix*.

† Walter Howard's Papers, penes me. Certain Extracts of Deeds, &c., furnished with the Pedigree, are referred to the *Appendix*.

And whom did the researches please? whom did they satisfy? Did they satisfy the curiosity and the scruples of the duke? To judge from his subsequent carriage, they did not and they did. Did they satisfy his conditional *protegé*? Alas! No. If Mr. Walter Howard had placed his hope on the researches of the College of Arms,—hope told a flattering tale. If he placed confidence in the “unlimited attachment” of the duke for the family of Howard, the nightingale in Arundel gardens, that with melancholy note sang the night through, in the jessamine tree, and ushered in the morn that lighted earl Philip to his trial,—was not more ominous of evil than the capricious interest of the Earl Marshal in his behalf. The inquiries of the Heralds did not give him title to the high consideration of the noble Howards; they did not give him possession of the small trust estate. They did give him the passing sympathy of the duke; and possession of a small estate to which he had no other title of inheritance. He was alternately promised; neglected; provided for; dismissed; relieved; abandoned: and finally—“persecuted with a spirit of malignity congenial only to a little mind. . . .”\*

Addressing the lord Chancellor of England, Mr. Walter Howard wrote: “It was by the desire and order of the present duke to prove my family, that my pedigree was procured from the Heralds’ Office. From the said pedigree I find that every attempt has been made to obscure my descent and disannul my pretensions.”† Yet this pedigree was ever after fastened upon him as a descent claimed by himself—the basis of his appeal to the duke, and subsequently to the sympathy of the public. The Earl Marshal’s Secretary, bearing the seal of the high office for which he claimed power to discriminate the genealogical rights of the most noble subjects of the land,‡ did not

\* Gent. Mag., v. lxxxvi., pt. i., p. 392.

† Appeal to Lord Eldon, lord Chancellor, dated 30th July, 1805.—*Appendix*.

‡ Vide ante, p. 23.

scruple to write: "The poor maniac, who has so frequently obtruded himself upon public notice, *claims* to be descended from a Sir Charles Howard in the reign of Charles the First, but whose existence or connections cannot be authenticated with any satisfaction. It has been presumed (*but it is mere presumption*) that the said Sir Charles was an *ante natus* son of the second earl of Suffolk,—who, after having *privately married his mother, left him an estate in Westmoreland!* His grandfather was certainly considered as a country gentleman, but his father was in very reduced circumstances."\*

The *existence* and *connections* of the supposed ancestor "unauthenticated;" *bastardy*, the *private marriage of the mother*,—the estate in Westmoreland, "mere presumption,"—yet all *presumed!* Why, the least investigation of the circumstances and connections of the earls of Suffolk, and the descent of their lands, would have repudiated the presumption of the official Secretary as a wanton fiction; nay, the "poor maniac" himself, by the inquiries within his power, and the discriminating remarks on the documents supplied with the pedigree, yet existing in his own hand, would authorize a more severe rebuke. When too late to remedy the grievous wrong, the mis-statement, in one respect, did not escape correction from another hand. "Mr. Walter Howard never pretended descent from a Sir Charles Howard in the reign of Charles the First," wrote the genealogist, Banks, "This descent (I believe) was drawn out for him by a Mr. H—s, with a view to oblige the person by whom he was appointed a member of the College of Arms; and with a view also (as I take it) to mislead that unfortunate gentleman as to the nature of his birth-right, and obscure, as far as possible, his claims to a superior rank in life from the knowledge of the public . . . . ."

†

The race of misery had been run when the assertion publicly proclaimed, produced correction from a source no

\* Gent. Mag., v. lxxxvi., pt. i., p. 104.

† Ibid., p. 392.

otherwise interested than in the protection of wronged poverty. At the time when efficient sympathy in action would have been most valuable for his future prospects, he had none; he asked for none; he placed confidence in the justice, on the promises of the duke; and labouring under a misplaced impression, he waited for the power of the Earl Marshal to be further exercised on his behalf. Many years afterwards, when hope and faith had long expired, the "poor maniac" wrote: "If the duke does not consider himself bound by his obligations as Earl Marshal of England, to inquire into the wrongs of the Howard family, in which there appears to have been forgeries and other means used to dispossess them of their inheritance and obscure their descent, surely there must be some other means of obtaining redress."\* At the earlier period mentioned the *protégé* conditional or heir expectant waited, patiently, the action of the duke. He waited long. His main resource of income had failed: the pittance under the will of duke Edward alone remained as a permanent revenue: his embarrassments increased; and the year 1795 beheld him prisoner for an accumulation of small debts, incurred for the necessities of life. The climax, however, was so far fortunate as to produce some consideration of his case, if not of pretensions based on the representations and florid promises of the duke, which had taken complete possession of his mind; not the hope of charity; but the right to the "small estate the duke held in charge and care" for him; which coincided with the independent character of his mind, and the prospects he had always entertained as the heir of his father. That some claim remotely absolute or wholly benevolent must have been entertained, the result proclaims: but whatever claim the duke admitted is only to be gathered from his actions. The prisoner was released; and on the 21st December, 1795, he was taken down to Ewood, in Surrey, and by the duke's steward, Mr. Sey-

\* Walter Howard to the duke, 1805.—*MS.*, *penes me.*

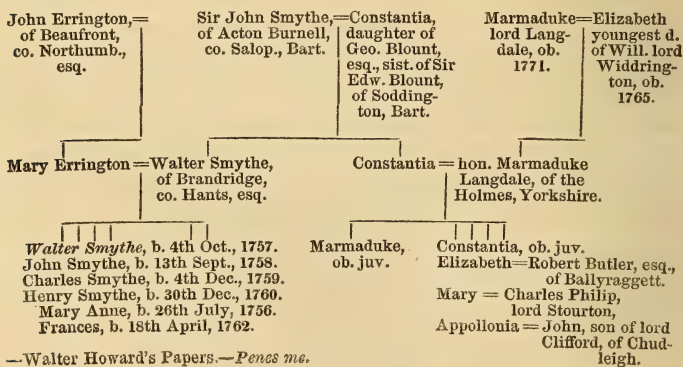
mour, established there on a small property the duke appears to have purchased a few years before.\* Here he found a house newly furnished for him by a London upholsterer; he cultivated his garden; he exercised the rights of ownership over the land; he paid no rent: yet the tenure was so primitive, that to modern ideas it must be evident that he was in possession at the sufferance of the duke. All his wants appear to have been supplied; and without some addition to his income (of which no mention is made), it is not very apparent how in comfort he could exist; without capital or credit (of which he was ever scrupulous) it is difficult to understand how he could conduct any process of agriculture; perhaps these were some of the circumstances in which he found himself "awkwardly situated." The duke at this time had been long absent from Ewood; Mr. Howard had no opportunity of personal communication with him; and to his absence the unfortunate man was willing to attribute the catastrophe that terminated his occupation; for many years afterwards he wrote to the duke: "If you had not declined coming there for a long time, it would not have happened as it has; unless the object had been to deprive me of that estate."† How long the sufferance might have continued cannot be known: Mr. Howard remained in possession somewhat

\* Iwood or Ewood Park, in the Hundred of Ryegate and manor of Newdigate, in the county of Surrey, consisting of a mansion, and park of about 600 acres, was parcel of the inheritance of the Fitzalans from the earls of Warren and Surrey; and passed, with one of the coheiresses of Richard Fitzalan, to William Beauchamp, lord Abergavenny. From the Nevilles, it passed into other hands, by sale and partition. In the time of William the Third, the house and one-half the park belonged to Dr. Morton, a physician, and by his representatives was sold, in 1786, to Charles duke of Norfolk. The remaining portion had been converted into a farm, and passed through several hands, until it became the property of General Smith, of whom, in 1786, it was purchased, and with other contiguous lands, united to the possession of the duke.—*Manning, Hist. Surrey*, v. ii., p. 174.

† Letter dated 22nd February, 1815.—*Appendix*.

more than a year. Rasselas was impatient in the happy valley; but schooled in adversity, and content to accept the present as compensation for the past, Mr. Howard might have remained satisfied to the end of his days in a position that so nearly fulfilled the aspirations of his contentment, had not an accumulation of annoyances contributed to his disturbance; and in their result destroyed the happiness of his future years. Burbury, the duke's bailiff on the adjoining land, and other persons in the duke's employ, were deficient of the respect he considered courteous; they addressed him as "Mr. Smith;" the "neighbourhood" addressed him as "Mr. Smith;" and to his repeated remonstrances he was told, it was by the duke's orders that he should be called "Mr. Smith."\* The continued repetition irritated him: the annoyances increased in intensity until the blood of Howards could no longer bear the contumely; and on one fatal morning Mr. Walter Howard, and his wife who always accompanied him, took coach for London in order to obtain an interview of the duke, and ask an explanation of the annoyances, and the "footing on

\* Did the duke really suspect him to have been a *Smith*; and oust him from the farm as a respectable impostor? The incident is among the curiosities of the case; and the following pedigree (as though to meet the imputation) did not escape Mr. Walter Howard's researches into the family connections of his house:—



which he stood." The circumstances and the result were the constant theme of his future correspondence; which contains little beyond a repetition of his grievances; reproaches for promises unfulfilled; and appeals for redress. Addressing the House of Peers, "I think," says the appellant, "I have a just right to charge the duke of Norfolk of withholding from me the estate of Ewood, of which he gave me possession; now in the occupation of two persons, named Burbury and Wilton, and held by them in the duke's name. When my wife and myself were taken down to Ewood estate and placed in possession of it as my own, by Mr. Seymour, steward at Norfolk House, I considered we went down in our own names: instead of that, we were represented of the name of "Smith," without our knowledge or consent. It was on that account, and the very singular treatment I experienced there, that caused us to come to town, being desirous of obtaining a satisfactory answer from the duke: but our names were refused to be delivered at Norfolk House. Now, I consider simply coming to town, was not relinquishing possession, nor forfeiting the estate. But since then we are told by persons who had taken possession in our absence, that '*they are on the inside and we are on the outside*;' and from that time possession has been retained from us."\*

Destitution at once followed the ejection from a home that answered all the humble wishes of the contented occupants, had it not been rendered unhappy, and at length unbearable to the sensitive tenant by a system of annoyance that denied his family name, and seemed to dispute the right of ownership which he understood to belong to his occupation of the estate. "I cannot but reflect," wrote Mr. Howard to the duke, "on the manner I was put in possession of Ewood, with the contempt and derision observed towards myself and my wife while we were there.

\* Appeal and Address to the House of Peers, 30th May, 1806.—*Appendix.*

I presume any others as well as ourselves would have found themselves awkwardly situated from the like behaviour. It was right that I should know upon what footing I stood there; for it appeared to me as if Burbury claimed a right to the estate as his own, by the authority he assumed.”\* The ungenerous conduct of the duke can find no palliation in the circumstances of the ejectment: for, though he had been no party to the original grievance,—if he took shelter beneath the action of his subordinates, as the subsequent correspondence imputes; or adopted the result of their coarse brutality, as the dispossession too plainly tells; the result was the same to the unfortunate victim, when his repeated applications for redress—not denied—were met by evasions that always postponed relief: when his continued appeals to the justice, the honor, and the kindly sympathies of the duke,—often met with a listening ear,—yielded nothing but promises of consideration that sickened the heart, to its last sufferance, with hope deferred.

The duke, at this time, was riotously absorbed in the excitement of political carousals. Mr. Howard notes that he was “one of the wits of the Whig Club,” and so occupied with the “Rights of Man,” that he could find no time to attend to the rights or to remedy the wrongs of the Howard family.† “If the present possessor of the title of duke of Norfolk thinks it right to patronize such unprecedented political principles as the *Rights of Man*, let him not disclaim me of my inheritance, or deprive me of the Ewood estate, of which I was in possession; and report me to be mad.”‡ Poverty; the capricious interest of the duke; the sudden deprivation of comfort; neglect; and insult; were circumstances well calculated to create mental disturbance; and though logical sequence may be less prominent than the irritation occasioned by a vacillating

\* Letter dated 2nd June, 1804.—*MS. penes me.*

† Mem., 1797.—*Ibid.*

‡ *Ibid.*

policy, where generous treatment would have been more in place, and absolute denial less illusive; it may be fairly assumed that the "poor maniac" knew a hawk from a handsaw, when driven to despair by the necessities of his position, he addressed the following letter—

"TO THE DUKE.

"The motives I have in addressing myself to you, you must be perfectly sensible of. Why is it that I am reported by those about you to be mad? Is slander and calumny proof of a good cause?

"Of the treacherous behaviour I have received from you, and the insults from your underlings, I can produce sufficient proof.

"I have complained of forgeries and other unjustifiable means employed to deprive me of my inheritance. If you, as Earl Marshal, do not think it your duty to justify\* the wrongs done to the family, you certainly must be privy to what I have stated; and confess yourself guilty by avoiding all investigation, and not coming to the proof.

"You, of a distant branch, have become duke of Norfolk: Bernard Howard claims as next presumptive heir to succeed to the title. I, who was brought up under the protection of duke Edward, by some unjustifiable means, find myself disinherited. There must be some other motives than prejudice in the conduct of the present family towards me. If you do not consider a departure from your promise to be a breach of morality, though falsehood and treachery may add to your power and authority, it cannot be difficult to understand by what principles you are actuated.

"As private slander is a curse, I am desirous that the truth should be known: bring me to the proof or disproof of my statement, rather than be always flying out of town upon every occasion.

"1797."

"WALTER HOWARD."†

\* i.e. to rectify.

† MS., penes me.

Whether this appeal did or did not produce temporary compunction in the ducal breast, an interview with the duke appears to have been obtained, and a consideration of his case *promised*. A narrative of the occurrence is found in a letter of long subsequent date.

“My motive for quitting Ewood and coming to London,” wrote Mr. Walter Howard to the duke, “was to procure an explanation from you on account of the very singular usage I received there, as well as to remonstrate against being passed under a false name against my consent. I certainly then supposed I was free to return at my pleasure, and did not imagine there was any plan laid to deprive me of that estate.

“In the year 1797 my wife and myself called on you at Norfolk House, when Mr. Dallaway, of the Heralds’ Office, who is now minister at Leatherhead, was present, when you told us that Mr. Dallaway should call upon us at our lodgings with your proposals, which he accordingly did; my wife was present. Mr. Dallaway said he came by order of the duke of Norfolk to express his wish to serve us in any way in his power: that you was sensible I and my family had suffered greatly, and that you was willing to comply with any proposals that I should make. I replied that I well knew all my wrongs; that I should be satisfied with the estate of Ewood, and the small estate of £400 a year that you told my wife you had in charge and care for me; which was indeed but a small compensation for what I ought to have enjoyed. Mr. Dallaway appeared satisfied with my answer, and said he would inform you of it; but I have never yet received any satisfactory information from you.”\*

Mr. Dallaway appeared satisfied! Doubtless the reverend Secretary fancied he had fulfilled the mission of the good Samaritan when he delivered the promising message from

\* Letter dated Nov. 5, 1809.—*MS. penes me.*

the duke, and left the "poor maniac" to his endowment of misery, unredressed.

From this time the life of Mr. Howard was devoted to two main objects. First; The correction of the Herald's Office pedigree, by which he considered himself to be "disannulled of his family rights;" and the discovery of his true descent, to which he appears, hardly in the sincerity of a friend, to have been urged. "If the duke," wrote Mr. Walter Howard, "does not think proper to search into the family proofs, *which he has so many years urged me to*, but at the same time has always avoided, though he must be well acquainted with all the particulars of my case, I must take some public means to prove the truth, and justify myself."\* His second object, which would have superseded every other claim or complaint, was the re-acquisition of the small property at Ewood, from which he had been so unceremoniously ejected. To his constant appeal to the duke in this matter, the only answer on record that appears to have been given, was conveyed in the taunting language of reproach. "Why," wrote Mr. Walter Howard, "should the duke *blame me for not staying there when I was there?* And if that was his only objection, why was I not at liberty to return when I pleased, with the same freedom as before? The reason for my going to town I have already explained; and need not be repeated to your lordships."†

The pedigree, purposely falsified as he believed, was a constant source of irritation and anxiety; for his view of the authority and duties of the Earl Marshal was hardly less imperative than that attributed to the duke by his Official Secretary,‡ with a responsibility, perhaps, super-added that the advocate of the noble duke would have disclaimed. "There are obscurities," said Mr. Walter Howard, "in every branch of the Howard family, which

\* Walter Howard to the duke. Letter dated 1805.—*MS. penes me.*

† Appeal to the Peers. Dated Jan. 28th, 1811.—*Appendix.*

‡ Ante, p. 23.

never could have been, without the knowledge of the Heralds' Office . . . .”\* “If you say that my proofs are not sufficiently clear, that objection can proceed from no other cause than the family being obscured by false titles purposely to disclaim me; but does not nor can disannul me from being a lawful and legitimate descendant; for it only discovers the fraud and imposition that has been practised on me. You cannot, I presume, be totally unacquainted with the truth of my assertion.”†

“As to Sir Charles Howard in the pedigree, the different estates he held would clearly shew who he was, though he may be nominated from any estate he occupied. But there is nothing but obscurity as well respecting him as in other particulars.”‡ Comparing the pedigree with the accompanying *Proofs*, again he writes: “Sir Charles Howard of Naworth, with whom the pedigree commences, is obscured by the false title of Sir Charles Howard of Somersham; and the Indentures of 1657 refer to one and the same person; the estates were enjoyed by his heirs for three generations after him; and if they were entailed from heir to heir, I think I have a right to inquire of those in possession, whether they hold them according to law and justice.”‡

Directing attention to *Ext.* 1, 2, and 8,§ he pointed out the discrepancies between them. The children of “Sir Charles Howard of Somersham,” named in *Ext.* 1 and 2, do not correspond with the family of “Sir Charles Howard, son of the lord William Howard,” in *Ext.* 8; and William, eldest son of the latter, living in 1665; (if the parent was the same person) by *Ext.* 2, is represented to have been buried at Somersham nineteen years before! And Sir Charles Howard, the annuitant, in *Ext.* 1, is not likely

\* Address to the House of Peers, June 2nd, 1806.—*Appendix*.

† Walter Howard to the duke. Letter dated 22nd Feb., 1815.—*Appendix*.

‡ Walter Howard to the duke. Letter dated 2nd June, 1804.—*MS. penes me.*

§ *Proofs*, &c.—*Appendix*.

to have been the younger brother of William, in *Ext.* 8, because there is no correspondence in the names of the sisters in the extracts mentioned. He then comments on the "singular mortality" in the pedigree of the family,— "two of them, Dorothy Errington, wife of James Howard; and Eleanor Blake, wife of her son; represented to have been buried at Ford, on the same day."\*

In fulfilment of the duke's suggestion to "search into the family proofs,"—to elucidate the parentage and connections of the mysterious Sir Charles Howard, with whom the Heralds had so confusedly—and perversely—commenced the Pedigree, the inquiries of Mr. Walter Howard were only limited by his means; they extended to every available source; and the result, from time to time, appears to have been communicated to the duke, in the vain hope of moving him to assist the research by means at his ready command; and to do justice to the unfortunate suppliant. The collections of Mr. Howard took the range of the whole family of Howard. The *Effingham* branch, from which only, it has been stated, that a descent was possible,† had not been left untraced, so far as printed records or private inquiries had been available; but unassisted where he thought assistance to be his due; and steeped in poverty that rendered the employment of efficient aid impossible, he was not able to unravel the perplexity to the satisfaction of the duke; and though he pointed out circumstances convincing to himself, from a careful study of the deed of 1657, in connection with the pedigree furnished to him, yet he could not identify and distinguish by any additional evidence the two knighted Howards, conglomerated by the officer of arms; and seven years later, the poor neglected outcast,

\* Obs. on Ped., &c., by Mr. Walter Howard.—*MS. penes me.*

† A descent from the Effingham branch, of course abandoned "Sir Charles Howard of Somersham, of the House of Suffolk," proposed by the Heralds' Office pedigree, and *Proofs*, Nos. 1 and 2; and adopted another ancestor, probably of the same name and title. The following Pedigree from Mr.

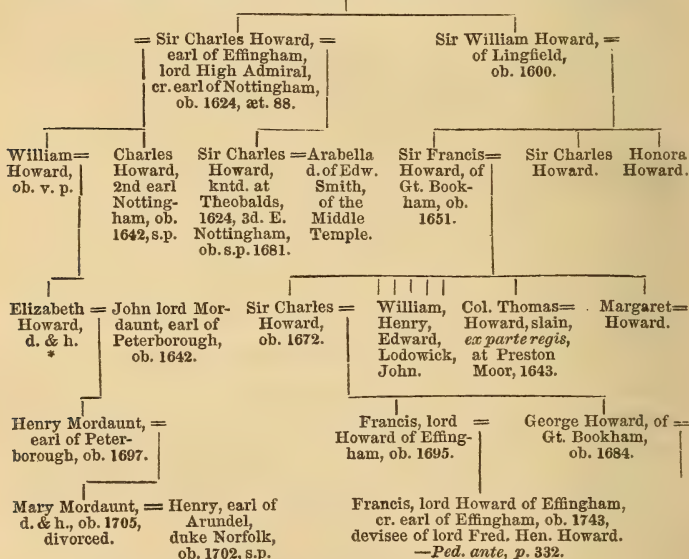
disheartened in the fruitless pursuit, is found repeating his grievances, and appealing for a just and merciful consideration of his case.

“TO THE DUKE.

“I addressed to your Grace two letters, on the 2nd and 23rd of last month. I was in hopes to have received a more favorable answer than that delivered to my wife: ‘*That you did not wish to hear anything at all about it, and could afford no satisfactory answer to the subject of my claim and letters:*’ treating me as if I was a fool;

Walter Howard’s papers, has some additions from the *Egert. MS. 1075*, and other sources:—

Sir William Howard, *knt.*, (son of Thomas, 2nd duke of Norfolk, by his second wife) lord High Admiral, created lord Howard of Effingham, ob. 1573, bur. Ryegate.



\* In 1648, Elizabeth, countess of Peterborough, heiress, by her mother, of John lord St. John, of Beltshoe, settled her manor of Bletchingley, co. Surrey, upon her son, Henry earl of Peterborough and his heirs male; with remainder to Sir Francis Howard, of Great Bookham, and his sons in tale male; remainder to Sir Charles Howard of —, in Surrey, *knt.*, and his heirs male; remainder to the right heirs of Elizabeth, countess of Peterborough, in fee. Henry earl of Arundel was one of the trustees.—*Halstead, Succinct Geneal.*, 1685, fo. 383.

while my wife, after waiting partly days together, has then been told '*You were busy.*' Your Grace could always find leisure time before to speak to either of us.

"As to the estate you said I was entitled to by my family proofs required; and the Sir Charles Howard in the pedigree, the different estates he held would clearly shew who he was, though he may be nominated from any estate he occupied. James earl of Suffolk is stated to have had two wives; but there is nothing but obscurity as well respecting him as in other particulars; though the subject is of little importance for me now to pursue.

"I cannot but reflect on the manner I was put in possession of Ewood, with the contempt and derision observed towards myself and my wife while we were there. I presume any others as well as ourselves would have found themselves awkwardly situated from the like behaviour. It was right that I should know upon what footing I stood there, for it appeared to me as if Burbury claimed a right to the estate as his own, by the authority he assumed. Some honor ought to be shewn, however ignorant my father was of his rights. I believe, however, he was not so ignorant of them before he died. I trust he enjoys a more glorious happiness in Heaven, out of the reach of his enemies, which he never deserved to have had in this world.

"I have no further object now in addressing you, than a sufficient support for my wife and myself: and if I am entitled to a small estate of £400 a year, it is a hard and curious case that we cannot obtain a maintenance sufficient to enable us to pass our time in a manner more improving to ourselves than the miserable life we have led.

"I shall be glad if you can make it convenient that my affairs may be settled before quarter-day, that we may retire out of town, and that I may be enabled to pay what I am owing in the neighbourhood, which is very trifling; and, if agreeable for Mr. Seymour to settle my affairs respecting

any doubts, I am willing; for neither of us wish to be troublesome.

"I am, with all due respect,

"&c. &c.

"2nd June, 1804.

"WALTER HOWARD."

"My wife is the bearer of this."\*

The duke, testily biting his nether lip, might have been enacting *Gloucester* denying the "moveables" to his cousin of Buckingham. His Grace was "busy:" he "did not wish to hear any more about it:" his "curiosity" was satisfied: his "passionate and capricious interest" had ceased. The duke no longer had any "remote suspicion of alliance combined with the name." His attachment to the Howards did not extend to *irregular offspring*—even of nearer affinity to himself; and the descendant of an *ante natus* son of an earl of Suffolk, who died a hundred and fifty years since, could excite no sympathy in his virtuous breast. The appeal, though the supplicant "had waited partly days together" for a reply, was unattended with any favorable result; and a letter of the following year complains of the "severe treatment" the unfortunate disowned of the Howards had received from the family; with the rather decided expression of opinion of some of its "members" on his case and claim. The discountenance of the chief received vulgar reflection from the unpolished media through which it passed.

#### "TO THE DUKE.

"Members of the duke of Norfolk's family having reported me to be an impostor and a public swindler, added to the insults I have before received from the same source, and the unjust and severe treatment I have so many years experienced from the family, tell me how much I am wronged, and induce me to address the duke and invite him to prove or disprove my case.

\* MS. penes me.

“If the duke does not consider himself bound by his obligation, as Earl Marshal of England, to inquire into the wrongs of the Howard family, in which there appears to have been forgeries and other means used to dispossess them of their inheritance and obscure their descent, surely there must be some other means of obtaining redress.

“If the duke does not think proper to search into the family proofs, which he has so many years urged me to, but at the same time has always avoided, though he must be well acquainted with all the particulars of my case, I must take some public means to prove the truth, and justify myself.

“It is my desire to come to a conclusion by proof, rather than to avoid coming to a just understanding by prevaricated excuses, which the duke has always practised towards me.

“1805.”

“WALTER HOWARD.”\*

The mode of obtaining redress that suggested itself to the mind of the unfortunate dispossessed, was an appeal to the Court of Chancery, which he made both in writing and by personal address to the sitting Court. An *Appeal to lord Eldon*, dated 30th July, 1805,† without judicial form, describes in familiar terms some of the particulars of his case. It might have been a statement of grievances made before the cad of an eastern tale; but, conscious of his defects and the irregularity of his appeal, he tendered apology, and sought indulgence in the unhappiness of his destitute condition. Truly did the poor appellant observe to his lordship, “My situation is such that it is not in my power to employ any person of the law to wait upon your lordship respecting the business; and not being acquainted with such forms as may be deemed necessary, I have found myself under the necessity of making my personal applica-

\* MS. penes me.

† See Appendix.

tion to your lordship.”\* His destitute condition even interfered with the proof of some part of his case; for “I must observe to your lordship,” he writes, “that some writings and papers which the duke required of me to entitle me to the protection of the Norfolk and Howard family, I am unable at present to lay before your lordship.” He had left them in possession of a gentleman whom he had employed to act as mediator for him with the duke; who “has retained possession of them,” he observed, “for the small sum of £3 15 0, which Mrs. — advanced or lent to my wife at different times to that amount, during the two years he had my business in his hands. It is not in my power at present to produce these papers; nor am I able to support the expenses attendant on my appeal to the law; and without money I presume none will undertake it.”†

In this address, so far from adopting the Heralds’ Office Pedigree as the basis of his claim to be considered a Howard, he repudiated it as an attempt to “obscure his descent and disannul his pretensions.” The most remarkable is the paragraph quoted at a former page, discriminating Sir Charles Howard of Naworth from his namesake of Somersham;‡ and it is indisputable at the present day, that, had his suggestion been followed by the investigation he so often asked, the discovery of his relative position to the noble Howards was inevitable. An irregular form of application,—accompanied by a statement of grievances, if remediable by compulsion, in no way prepared for the consideration of the Court,—not only failed of commanding attention, but gave occasion for the imputation of intellectual incapacity or derangement; and, while it condemned his representations to neglect, failed even to excite commiseration for his forlorn and helpless state. A man with-

\* Letter to the Lord Chancellor, dated 14th August, 1805.—*Appendix*.

† Appeal to the Lord Chancellor, 30th July, 1805.—*Ibid*.

‡ Ante, p. 444; and Appeal to the Lord Chancellor, *ut supra*.

out advisers or the means of procuring professional assistance,—without a knowledge of the conventional forms and rule that govern the system he invokes,—who shall attempt to invade its precincts in irregular terms, has every chance of being imputed mad. From the Chancellor, Mr. Howard appears to have received verbal reply, that his case was not within the power of the Court; and he reverted to the duke as the only resource of redress.

“TO THE DUKE.

“Your Grace,

“The multiplicity of letters I have written to you respecting the family proofs you required of me to entitle me to what you expressed to me and my wife, induces me to hope you have now sufficiently considered the case. We have been put off with so many prevaricated excuses, day after day, month after month, and year after year; that I think it is time I had a satisfactory answer.

“When you required such family proofs of me, I little expected to find myself disinherited, apparently by such horrid means, of my family inheritance.

“Yesterday you did say you would speak with my wife to-day; as such, I hope you will be pleased to give me your answer by her, and not by the porter or any other servants, as I am not satisfied with their answers. I wish a personal reply from you; for this reason I have left a letter at the House of Peers as well as at Norfolk House, that there may be no mistake.

“I am, with all due respect,

“9th May, 1806.”

“WALTER HOWARD.”\*

A “multiplicity of letters” had at length produced the promise of an interview—*on the morrow*: if granted, it led, probably, to no better result than to another postponement,—another promise, that, while it kept the wretched suppliant from absolute despair, barely fed a sickly hope or kept

\* MS. penes me.

alive the never-dying faith of truth in words; and before the end of the month, he found himself, in his own judgment, without any other resource than an appeal to the House of Peers.

A document, addressed to the Lords in parliament, dated 30th May, 1806,\* contains a detail of grievances with which the reader will, by this time, have become familiar, and need not be here repeated. "As the duke of Norfolk," writes the appellant, "is not disposed to give me any manner of satisfactory answer to my family wrongs, I am urged to solicit your lordships, that I may have my trial as to such rights as I may or ought to be entitled to.

"On the 9th of this month of May, I did address a letter to the duke of Norfolk, and left it at the House of Lords. I have not received any answer; and the multiplicity of letters I have delivered to the duke on the subject of his promises, leaves me hopeless without the interference of your lordships; for I have been put off with prevaricated excuses, week after week, month after month, and year after year. As the duke will be present in the House of Lords, he can explain and justify his conduct towards me. I am neither envious nor ambitious beyond my claim to the performance of his promise."

Mr. Howard's mode of communicating with the Peers was by enclosing the Appeal to the lord Chancellor as Chairman, and delivering it at the House. The prayer was to solicit the interference of the Peers to become mediator with the duke,—to the honor of the duke on his promises made; and if any appeal might command attention, the manly and unsubdued terms of Mr. Howard's address deserved attention. But the document was irregular in form; and the utmost favor, if it escaped the waste-paper basket of the Chancellor's private room, that could be expected from it, would have been the friendly private mediation of lord Eldon with the duke in favor of the petitioner.

\* See Appendix.

On the 3rd June, Mr. Howard attended the House with a renewed appeal,\* enclosed in like manner to the Chancellor. "The duke went out of town yesterday," he wrote; "and has not given me any satisfactory answer. I have now called to know if your lordships have been pleased to leave any reply to my application." A third appeal, dated the 5th June, 1806, desiring to know "if their lordships had been pleased to consider his case," terminated for this time his unavailing solicitations to the House of Peers. And it was not till the beginning of the following year that he again addressed the duke by letter; although he seems to have been in frequent attendance at Norfolk House awaiting the convenience of an interview.

"TO THE DUKE.

"Your Grace,

"It is now many years since I left Ewood, or to say since I was forced from it; and the object of this letter is to remind you that I and my wife have constantly, almost daily, called at Norfolk House to know if it was convenient for you to speak with us, or if you had considered about our going to Ewood; as the last time my wife was with you at Norfolk House, (which was last May) you were particular to tell her to call on Wednesday; and you would consider about it, and give her your answer. I cannot apprehend you would have desired her to call again to be told by the servants '*You had nothing to say to either of us.*' I can hardly credit this, as it was by your desire she called.

"I shall be glad of an answer, if we are to go to Ewood, or if it will be convenient to speak with us at Norfolk House or at Ewood. It is time now that something was determined and done, that we may no longer be under everybody's power and severity. More at present I need not say.

"I am, with all due respect, &c.

"10th January, 1807."

"WALTER HOWARD."†

\* Appendix.

† MS. penes me.

"Yesterday," wrote the petitioner to the duke, on the 9th May the previous year, "you did say, you would speak with my wife to-day; as such I hope you will be pleased to give me your answer by her." The present letter reports the result, and brings the "prevaricated excuses," so unworthy the dignity of the duke, to a temporary close. "The last time my wife was with you at Norfolk House," he now writes, "you were particular to tell her to call on Wednesday . . . . ." That day appears to have brought the answer he was so unwilling to credit, yet compelled to receive; and after an interval of several months the rejected suppliant renewed his attendance on the lord Chancellor, who granted him a private interview; and pacified his importunities, by expressing some willingness to hear a representation of his grievances from a competent person who might make himself acquainted with the facts. The following letter has reference to this hopeful prospect:—

"TO THE LORD CHANCELLOR.

"Please your Lordship,

"I hope I may not be considered too urgent, but my unfortunate situation obliges me to be more importunate than I would wish to be. This is to acquaint your lordship that I conformed to your lordship's direction last Thursday, when you gave me an interview in your lordship's chamber, to desire Mr. —,\* of Parliament Street, to call upon your lordship next morning, before the Court began. I find he did not; therefore my wife and myself called in the evening at his house and spoke personally with him. He said he did not consider a message by me sufficient; but if your lordship thought proper to send to him either by writing or by your lordship's servants or officers, he would attend.

"I am, please your lordship,

"Lincoln's Inn Hall,

"With all due respect,

"14th Dec., 1807."

"WALTER HOWARD."†

\* Principal of an eminent firm of Solicitors.

† MS. penes me.

The result is not upon record ; but it may be understood that lord Eldon did not see his way very clearly, even supposing the facts, as they were, to have been presented to him in their most favorable light ; for with a pedigree repudiated by the appellant himself, few who listened to his tale of sorrows could make out any strictly legal pretensions. The lord Chancellor had no case before him. Whatever might have been the moral obligations of the duke on his favor or promises, it was not within the province of the Court of Chancery to entertain them as compulsory obligations. Mr. Howard's claim to the Ewood estate, on which he continued to dwell most forcibly, as more absolute to his ideas of right from the circumstance of his actual possession, was least tenable in his lordship's Court. His claim to any paternal inheritance in the trust possession of the duke, formerly alleged to have been absorbed by debt, had merged in the duke's representation, in 1793, that he had such an estate in possession, depending on a pedigree which had failed in proof satisfactory to the duke. An advocate, with ample means at command, might perhaps have narrowed the case to some tangible proportions, and stoutly contended for a discovery which the frequent appeals of Mr. Howard to the duke had failed to procure. But in his own words to the lord Chancellor, he was " unable to support the expenses of an appeal to the law ; and without money no one would undertake it." His own advocacy of the undigested materials in his hands was an appeal for inquiry and investigation, rather than a case in shape for the judgment of the high Court of Equity : nevertheless he continued his occasional attendance on the Court ; and as his manners were at all times gentlemanly and respectful, his sorrows sometimes were entertained with apparent attention ; which induced him from time to time to address letters to the Chancellor on his case, in the hope ultimately of obtaining justice from the duke. Here is one eighteen months later in date :—

"TO THE LORD CHANCELLOR.

"Please your Lordship,

"I had the honor to deliver a letter to your lordship at the Court at Westminster on the 24th April, in reference to which, possibly, I may be considered too impatient. From the short time since it was delivered, and the multiplicity of business engaging your lordship's attention, you may not have had time to consider it. But your lordship will please to remember that my appeal has been under your consideration now about three or four years; which, joined to the hardships and difficulties I have constantly met with, will, I hope, induce your lordship to take my case into your serious consideration; and I request your lordship's attention to what I have to observe, that I do not apprehend the duke of Norfolk will ever grant me the Ewood estate of his own accord; or anything else, without the power of your lordship's authority and the interference of the law.

"Please your lordship,

"I have the honor to be, &c. &c.

"8th May, 1809."

"WALTER HOWARD."\*

Receiving no reply to his solicitations, Mr. Howard resorted to the expedient of personally addressing the Court; with the result described in a letter to lord Eldon, which found its way into the public press:—

"I have been ignominiously turned out of the Chancery Court," writes the unhappy appellant, "for no other reason than having humbly attempted to ask permission to represent my cause in your lordship's presence, and that of the Court. For though perhaps I am neither qualified by the regular forms of law, nor by the possession of abilities for such a task, yet I still cannot but be of opinion that I have an undoubted right to plead my own cause in a Court of Equity, when, on account of my poverty, none of the gentlemen of the law will interfere in my behalf. . . . .

\* MS. penes me.

"If I am an impostor," he continues, "a trial would at once prove me one; it is therefore, quite as necessary for the duke's honor as for my interest. My credit and reputation are lost, owing to the various means adopted to ensure my ruin . . . ."

His hope still had been in the prospect of a mediator with the duke. "The last time I addressed your lordship," he adds, "was to request you would order a reference to Sir A. Pigott;\* that gentleman being intimate at Norfolk House, I was in hopes of obtaining through him a favorable answer, in order that I might cease to trouble your lordship and the Court: but to this request I have obtained no reply."†

Appeal from the silence of the Equity Court to the nation through the press, acknowledged by the publication of his letter to the lord Chancellor,‡ gave Mr. Howard confidence to renew his correspondence with the duke; in the hope, perhaps, that the pressure of public opinion might be more effective than any appeal to sentimental professions of family regard that had long proved a blighted dream.

#### "TO THE DUKE.

"Finding myself under the necessity of addressing the lord Chancellor, and of appealing to the public through the newspapers, the present condition of my affairs must, I presume, have come under your notice, and may perhaps afford motive for you to answer, as well to clear your honor and my reputation, as to justify my right of claim; otherwise you must declare yourself guilty of what I assert, by avoiding discussion and coming to a proof.

"I would not introduce a cause to the public papers I could not justify; and I do not hesitate to refer to the

\* Sir Arthur Pigott, K.C. The friendship of the duke for the learned knight was acknowledged by a trifling legacy in his will.—*Ann. Biog.*, v. i., p. 118.

† Letter dated 30th July, 1809.—*Appendix*.

‡ Examiner, August 30th, 1809.

wrongs and injustice you have done me, with the ill usage, calumny and slander, to effect my ruin. I find it necessary to take public means to justify myself, and if you consider any of my assertions a libel, you have the law to justify yourself. It belongs to you to disprove my statement, and your own words expressed to my wife and myself long before I applied to Mr. —, to Mr. —, or to any attorney, or solicited the lord Chancellor.

\* \* \* \* \*

“After my pedigree had been procured from the Heralds’ Office, and the family proofs obtained, I found I had been disinherited, my father and myself wronged; but you gave us the Ewood estate in recompense for greater rights I was entitled to, and had been wrongfully deprived of.

“After we came to London from Ewood, for the reasons already stated to the lord Chancellor, you sent Mr. Dallaway, of the Heralds’ Office, and who is minister at Leatherhead, with your proposals and offers to me. The answer I gave was, I should be satisfied with Ewood estate that I had been put in possession of; and the small estate you said you had in charge and care belonging to me; and I was willing to give up all further claim.

“It was but a short time ago you told my wife for me ‘*not to trouble the lord Chancellor, and you would see about granting Ewood estate, and what should be done.*’ When I did as you desired, you left town without any answer; and then it was advertised that you allowed me £400 a year, and had given me the estate back again.

“London, 6th Sept., 1809.”      “WALTER HOWARD.”†

This was followed, a month or two later, with a *resumé* of his personal intercourse with the duke from their first interview; and a notice of the perfidy that had attended his latest promise:—

† The paragraph omitted, describing the interview with the duke, in 1793, has been quoted at page 429.

† MS. penes me.

## "TO THE DUKE.

"I have already been under the necessity of laying my claim before the public in a letter to the lord Chancellor, inserted in the *Examiner* newspaper of August 20th; which letter and the present, I presume, must come under your inspection, and ought to be sufficient to induce a reply.

"The family proofs you required of me I delivered into your hands previous to my appeal to the lord Chancellor.

"It is quite time that a final determination took place in my cause. I have been disinherited of my birthright, I have all my life experienced wrongs and injustice; and the law will not interfere on account of my poverty and your power.

"My first application to you was by the recommendation of your mother, when you held the title of earl of Surrey.

\* \* \* \* \*

"And as to the estate at Dorking, I do not see how it could belong to you, even as heir to the late duke, if the rents, as I am told, were received by Mr. William Seymour, for my father, William Howard, and in his name. The estate of Ewood was purchased by the sale of Deepden, which belonged to the manor of Dorking; and on which estate my wife and myself were placed by Mr. Seymour, who acted by your orders, on the 21st December, 1795. My motive for quitting Ewood and coming to London was to procure from you an explanation on account of the very singular usage I received there; as well as to remonstrate against being passed under a false name against my consent. I certainly then supposed I was free to return at my pleasure, and did not imagine there was any plan laid to deprive me of that estate.

\* \* \* \* \*

† The paragraph omitted repeats the interview with the duke, in 1793, and the prospects then held out by him, in the terms quoted, *ante*, p. 429.

‡ Then follows a narrative of the interview with the duke, and afterwards with Mr. Dallaway, in 1797, as before related, *ante*, p. 442.

"You will also recollect that you desired my wife to tell me not to go to the lord Chancellor, and you would see what should be done. I complied with your desire, and did not wait upon the lord Chancellor; yet you left town without making any communication to me on the subject of my claim; though it was reported by some that you had given me £400 a year and Ewood estate. Had that been the case I should not have been under the necessity of thus addressing you.

"London, 5th Nov., 1809." "WALTER HOWARD."\*

With the recent treachery of the duke and a reminiscence of his ejection from the Chancery Court present to his mind, "I have no other means of redress," wrote Mr. Howard to the Chancellor, "and little hope in addressing your lordship; since I find the law will not interfere (unless perhaps to punish me if sufficient cause could be found), and none will interest themselves on my behalf.

"It is reported that I am mad. I ask for more impartial justice than slander and falsehood. If my enemies could bring any charge against me, I am certain they would do it . . . . .

"As no one will hazard the expenses of my appeal, and I am too poor to support them, I must submit to be wronged of the last remnant of my family's ruin; and Ewood estate that was granted to me in recompense for greater rights, the law will not assist me to recover . . . . . It is a hard thing to be wronged out of property without the power and privilege of having the cause tried.

"If the present possessor of the Norfolk title had any lawful heirs to the Norfolk estates, they would still have sufficient to inherit, without suffering his name to be employed to withhold from me the small estate of Ewood: nor could it be much object to grant me the estate he told my wife and myself he had in charge and care for me."

\* MS. penes me.

The claim of Sir James Innes, bart., to the dukedom of Roxburgh,\* at this time under investigation before a Committee for Privileges of the House of Lords, impressed Mr. Howard with the idea that his case, notwithstanding his former failure, might yet be taken there for consideration; and he concludes: "If there is no other means of redress, it appears to me it is within the authority and power of your lordship, as the head of the law, to introduce my claim and appeal to the House of Peers."†

In the mean time his grievances had excited the sympathy of some portion of the public press. "Various paragraphs in the newspapers," observes one of them, "have mentioned the repeated attempts made by a person of the name of Howard, who claims a right to some property now possessed by the duke of Norfolk, to obtain a hearing in the Court of Chancery. By some of the papers he has been called a lunatic, and none of them appear *rightly* to understand the case of the unfortunate man, who really appears to have some well-founded claims upon the Norfolk family . . . . . In poverty, without friends, and wholly abandoned by the duke of Norfolk, his situation is, indeed a melancholy one; and having applied to get a letter to the lord Chancellor inserted in this paper, it is impossible to refuse the request, though it is equally impossible to search out the grounds of his claims, or to vouch for their truth. These claims, however, have so frequently been alluded to in the newspapers that the mention of them again cannot possibly hurt the feelings or be a cause of injury to any person."‡ Such was the impartial opinion of the "Sunday newspaper," that excited so much the

\* This claim, after seven years litigation, was decided in the year 1812. The estates had been claimed, by virtue of an entail in his favor, by another member of the same family; which probably drew the attention of Mr. Howard more particularly to the case.

† Letter to Lord Eldon, dated 18th December, 1809.—*Appendix*.

‡ Examiner, Aug. 20th, 1809. The Mysterious Heir, 8vo., 1816, p. 10.

disgust of the Earl Marshal's Secretary. A subsequent notice of the unfortunate gentleman's case produced a very piquant appeal to the duke from a correspondent of the same ably conducted journal; which Mr. Howard, with some satisfaction, introduced to the particular notice of his Grace in the following letter:—

“TO THE DUKE.

“It is nothing new to your Grace to hear my sentiments respecting your conduct towards me; but it may be a little new to find that *that* conduct has at last excited a little of the attention of the public. That you may know what other people think of it, I enclose you the copy of a letter which appeared in the *Examiner* of last Sunday, the 17th. Who the author is I know not; but for the interest he takes in my concerns I feel particularly obliged to him; more especially if he obtains an answer from your Grace.

“23rd Dec., 1809.

“WALTER HOWARD.

“I sent this, with the enclosed letter, by the post.”\*

\* MS. penes me. The enclosure was the following extract:—

“MR. WALTER HOWARD.

“TO HIS GRACE THE DUKE OF NORFOLK.

“My Lord,

“There are some obligations which every man of a just and honorable mind, whatever may be his rank in society, feels sacred and inviolable. Justice stands pre-eminent in the list of these obligations, and no man who would enjoy the *mens conscia recti* can dispense with her decrees.

“In addition to the dukedom of Norfolk and the multiplicity of other titles by which your Grace is distinguished, you are the hereditary president and judge of the only Court of Honor in this country; by your high office appointed to give relief to such as think themselves aggrieved in matters of honor. In this character then, if the obligations of justice can be felt by one honorable man more intensely than another, you are and ought to be that man.

“An appeal has been made to the public, and before the awful tribunal of public opinion you stand to answer Mr. Walter Howard these plain and simple questions:—

“Did you ever represent to him and his wife that you had an estate in trust for him of £400 a year?

Although he might have replied *not true* to the last question, the duke did not enter appearance before the "awful tribunal" to which he had been summoned by the well pointed indictment of his anonymous prosecutor, "M. M., of *Dorking*." His Grace, perhaps, did not acknowledge the jurisdiction of the Court; he stolidly maintained—if he did not enjoy—the *mens conscia recti* beneath the exalted motto of his house;\* and preserved a silence that shewed his utter disregard of the peculiar situation in which he was said to stand. A man, however, who is superior to public opinion, may be expected at a pinch not to be above the most frivolous and discreditable shifts to evade moral obligations or social responsibilities. Thus it happened that Mr. Walter Howard, in his customary wanderings from town to village in his favorite southern county, hovering round the scene of his former prospective happiness, came unawares upon the duke; and experienced

"Was that statement correct?"

"Did you send Mr. Dallaway to make any proposals to him?"

"And lastly, is it true that the rents of Ewood estate, and Deepden, were received by your agent in the name of his father?"

"These questions arise out of a letter which appeared in the *Examiner* of the 26th November, and seem capable of most explicit answers.

"Mr. Walter Howard's situation appears deplorable; but because he cannot engage in long and expensive suits, nor indeed support the expenses of procuring the necessary information and evidence to institute these suits, are his complaints to be disregarded if they are just?"

"To know whether they are or are not, the world looks to your Grace. Mr. Walter Howard has stated facts, and signed his name to them; he has given his cause to the public, and your Grace will find that silence on your part will not persuade the world, till these questions can be satisfactorily answered.

"You stand in a peculiar situation; and a more lively feeling, a more acute sense of honor is expected from your Grace, than from an ordinary man. Let us wait your Grace's answer.

"I have the honor to be,

"Your Grace's &c. &c. &c.

"Dorking, Dec. 6th, 1809."

"M. M."

—*Examiner*, December 17th.

\* Sola virtus invicta.

a renewal of those "prevaricated excuses" that so frequently had misled and tantalized his hopes. The occurrence is found narrated in the following letter:—

"TO THE DUKE.

"The newspapers have represented my case to the public and to the Courts of Law and Justice; the law, however, declines it, and the public and individuals do not find it convenient to interfere. Your silence to my wrongs and complaints is, it appears, to be considered a sufficient answer to them. Surely honor and conscience ought to actuate you to do something. So short a time ago as the 26th March, *when we spoke with you at Ewood*,\* you told my wife you would give your answer in town, when you arrived the next day. A few days after, you told her you was so hurried with business, that you would give your answer in a couple of days; between which you left town without leaving any answer, which you might have done, whatever business may have hurried you out of town.

"20th April, 1810."

"WALTER HOWARD."†

Put off with frivolous excuses by the duke, and insulted by the servants at Norfolk House, Mr. Howard renewed his correspondence with the lord Chancellor, with some additional arguments, which, as they were unanswerable, produced no reply.

"Whether my appeal to your lordship," he writes, "may be considered just or not in respect of my family claims, by the writings delivered, I think I ought to be permitted the indulgence of representing my case in the presence of your lordship in the Court of Chancery. I consider I ought to have my trial, either to justify me or to condemn me. If that is refused, I must consider every wrong and injustice

\* The duke occasionally resided at Ewood Park; and, in 1807, commenced the erection of a mansion on an adjoining eminence, commanding the wooded heights of Dorking and the adjacent country.

† MS. penes me.

is done to me; and that the stigma, the prejudice, and the illwill shewn towards me have been too powerful for the law. I have been ridiculed and insulted at Norfolk House by the servants, with falsehoods and denials; and told by them I am ‘humbugging the public with nonsense.’ If this were so, *why was I put in possession of Ewood estate? Why was I deprived of it?* Let me have my trial: the power and authority is vested in your lordship. My condition in life and my poverty leave me no other hope.”\*

In the mean time the duke had returned to town: Mrs. Howard had obtained an interview with his Grace, and—a reference, which proved another “prevaricated excuse;” and gave occasion to the following modest remonstrance. It is the only letter known to have been addressed to him by Mrs. Howard; and as a subdued appeal to the sympathies of the duke, suggests the untold sufferings of a gentlewoman in distress.

“MRS. HOWARD TO THE DUKE.

“Your Grace

Referred me to Mr. Eyre before you went out of town. When I called at Norfolk House, Dods-worth told me Mr. Eyre was gone out of town, but that he had left word that he would be glad to contribute to anything that would make us happy, *if he had your consent*. So far as it concerns my husband’s family proofs, he says it ought only to belong to you, who occupies the title, and that he does not wish to have to do with Mr. Eyre, if possible: he considers you can do without him. Therefore, I wish to observe only what you mentioned personally to me. You must recollect you told me that you had a small estate in charge and care belonging to him, of about £400 a year, which if he thought proper to sell, it would produce about £6000 or £8000, by proving his family. It

\* Letter dated 14th June, 1810.—*MS. penes me.*

was the first time I ever saw or spoke with you, when we lodged at Mr. Franklin's, in Bloomsbury, in the year 1793. Therefore my husband has desired me to mention to your Grace, that it ought only to belong to you to settle his affairs, as it is a family concern. I should be glad whatever you may do, that it may be in presence of my husband and myself.

"The small estate you mentioned to me was before Mr. Seymour placed us at Ewood, respecting which my husband feels himself ill-used.

"I need not mention our situation. I presume you are sensible of our condition; but whatever you may determine towards us, we should be glad if you could make it convenient as soon as possible,\* that we may settle in the country and pay our way.

"I am, your Grace's very humble Servant,

"15th June, 1810."

"JANE HOWARD."\*

The duke referred to Mr. Eyre; Mr. Eyre to the duke. If the *consent* of his Grace was not directly withheld, it was not conceded; the reference produced no happy result for the unfortunate couple; and in their poverty they retired to enjoy the rural scenery and pure air of the Surrey hills, until the return of winter brought them to town, and the meeting of parliament afforded Mr. Howard the opportunity of renewing his appeal to the peers. He had little that was new to relate. "The duke," he said, "has never complied with anything he ever expressed or promised; nor will he discover to me the small estate of £400 a year which he told my wife and myself he had in charge and trust belonging to my family; and this was *previous to any family proofs being delivered to him.*" But this claim, he tells their lordships, "I have offered to forego, and make any terms, if the duke would grant us the Ewood estate that we were in possession of; which I consider to be a

\* MS. penes me.

small object for him to withhold, as he has no legitimate heir to succeed either to that or to the Norfolk title and estates.

“The unhappy circumstances I labour under will be seen from my present address; and I appeal to your lordships’ protection against the illiberal treatment I have received.”\*

The fate of former addresses doubtless attended the present. The appeal of the miserable outcast never reached the ears of the House. It was not in form for presentation; and he had no friend to instruct him in the proper course: no adviser to assist him with a knowledge of the formalities of parliamentary usage. The imputation of madness, cruelly suggested against him with the authority of powerful influence, closed the ear and stayed the hand of charity where both were most important. Few could hear his tale of sorrows without sympathy for his misfortunes; and though he was never known to ask charity, his periodical visits to a few compassionate friends generally produced little presents to his wife; and when he had received the half-yearly payment of his annuity from the trustee under the will of duke Edward, he generally retired out of town, until business or poverty again brought him to the metropolis. While residing, at this time, at Dorking, the addresses to the prince of Wales, on the appointment of his royal highness to the regency, impressed Mr. Howard with the idea that it might be favorable to his interests to follow the movement with a congratulatory address; and lay his grievances at the foot of the throne.

“My prospect in addressing your Royal Highness on the present occasion,” he writes, “is singularly fortunate. Actuated by a just cause and the strictest truth, I am happy in the opportunity of your Royal Highness’s accession to power, that enables me to lay my grievances at the

\* Address and Appeal to the House of Peers, 28th January, 1811.—*Appendix.*

foot of the throne ; and, unqualified as I am, I trust to the liberal indulgence of your Royal Highness in the following recital.

“ Having been brought up and educated abroad under the protection of Edward duke of Norfolk, when young, in obscurity, and kept in ignorance of my birthright, I have for some years past sought justice by appealing to the lord Chancellor, to the House of Peers, and to the public through the newspapers ; in the hope that my complaint might, by some of these means, be brought to the knowledge of your Royal Highness . . . . .

“ Events and circumstances are so strange in my case as to claim particular indulgence. By false representations I have been disinherited ; and by a pedigree which I received from the Heralds’ Office, by Sir Isaac Heard\* and other of the Heralds, I find myself and the right descent of my family obscured ; and from researches I have made and proofs I have delivered, it appears to me there has been no right and lawful heir to the Norfolk title and estates for some time past. But if my judgment should be wrong in this case, I trust it is not so in regard to the particular object of my claim.”

He then relates that, in consideration of being disinherited of more considerable property, he had been put in possession of the Ewood estate ; and how he had been ejected therefrom, as represented, by order of the duke. The place, he continues, “ has since gone to decay. The estate has been plundered and stripped of everything ; the buildings are falling down ; and the mill that was in constant employ is since a total ruin, *though many persons have applied to me to rent it to them.* But I am not suffered to occupy or even to be upon the estate, it is said by the duke’s desire. The land is going to waste and ruin ; and *the very house in*

\* Garter Principal King of Arms ; to which office he had been appointed in 1784. Sir Isaac Heard died in 1822, in the 92nd year of his age.

*which we lived has been pulled down, so that, as it is said, we shall not again take possession of it . . . . .*

“Lamenting my unhappy situation; deprived of every means of obtaining redress by law; I hope your Royal Highness will have the goodness to take into your consideration my claim to the Ewood estate,—a small recompense for all my sufferings; which I presume, by your Royal Highness’s authority and intercession, will be restored to me. I am now passed the meridian of life (over 51), and my wife, as well as myself, incapable of enduring the hardships and difficulties we have so long suffered; and should be glad to retire to a cottage at Ewood, which would suffice to make my wife and myself comfortable for the rest of our lives.”\*

A copy of this address, among Mr. Howard’s papers, is dated “*Dorking, 12th February, 1811;*” but no opportunity appears to have been found for presenting it: a copy, transcribed into his letter book, has neither address nor date; which, from subsequent occurrences, seems to have been the condition of the address actually presented. It was the following year before the opportunity occurred.

Saturday, the 25th April, 1812, was a festal day at Court: it was the birth-day of the princess Mary; and the queen assembled the royal family at Windsor to celebrate the anniversary: the prince arrived from town about half-past two; and found Mr. Howard in waiting with his address; which he had the honor of presenting personally to the hands of his royal highness. Doubtless the facility had been afforded him by some one who had the means of doing so, for no difficulties were placed in his way; and he bowed his exit from the princely presence in full confidence that he had placed the recital of his wrongs, as he had expressed, where “the afflicted and the injured must appeal for redress, as to one whose enlightened mind and

\* Appeal to the Prince Regent, 1812.—*Appendix.*

most serious attention are devoted to the general welfare of the public and the relief of the distressed." He entertained the hope that at last redress would follow the representation of his wrongs: that the royal intercession, having the authority of command, exercised in his favor, would have the weight and supply the deficiencies of the law. The futility of trust in princes is too proverbial to be doubted; and Mr. Howard received no reply. But revolving in his mind the urbanity of his royal highness, his own wrongs, and the anticipated relief, he discovered to his own lively imagination a very ample reason for the delayed redress:—he had *omitted to add the place of his residence to the petition*. To supply the deficiency he prepared a letter to the prince; and he was meditating on the best means of securing its presentation, when he met the most complete gentleman of Europe in Pall Mall, and took the freedom of offering it to his royal highness, as a necessary supplement to his former address. The result is related in the following letter:—

"TO HIS ROYAL HIGHNESS THE PRINCE OF  
"WALES, PRINCE REGENT.

"Please your Royal Highness.

"I hope your Royal Highness's munificent indulgence will excuse the freedom I took yesterday in Pall Mall, of addressing your Royal Highness and presenting a letter, in reference to my Appeal, which I had the honor to deliver into the hands of your Royal Highness on the 25th April last.

"Having omitted, in my anxiety and hurry, to add my place of residence, I was fearful how I might obtain an answer, in case your Royal Highness should consider my cause and right of claim worthy to be honored with a reply.

"I must confess it did greatly hurt my feelings to receive such a reproof from your Royal Highness yesterday, as to be told *to go about my business*, when I have every

just reason to consider I might be entitled to the Norfolk estates.\*

"I have no other expedient than sending this by the post, and trusting to your Royal Highness's candour, to consider this a sufficient apology for my temerity; and with permission, to assure your Royal Highness, that I am,

"Please your Royal Highness,

"With all due submission and respect,

"&c. &c. &c.

"May 12th, 1812.

"WALTER HOWARD.

"Put this in the post-office, Pall Mall, 16th May."†

His royal highness, as might be supposed, did not vouchsafe reply; and the letter had wellnigh brought the unfortunate writer into more trouble than the temerity for which he tendered apology.

The month of May, 1812, was rather warm and exciting for politicians. The Chancellor of the Exchequer, Mr. Percival, had fallen by the hands of an assassin, in the lobby of the House of Commons; and shortly afterwards two anonymous letters were received at Carlton House, which "the feeble and inconsiderate men by whom the prince was surrounded" were weak enough to publish to the world in place of consigning to their proper oblivion.‡ They were both highly spiced blood-thirsty missives, characteristic of a period when the *argumentum baculinum* was the usual reply to the noisy complaints of one, at least, of the alleged writers; and proceeded, doubtless, from some violent pot-house politician desperate in potations of beer. One letter, dated May 12th, from *Vox Populi* to the private Secretary of the Prince, was fierce in the alternative of

\* The indignity perhaps roused the blood of the Howards, and induced Mr. Howard to write exaltingly of his family prospects. He was, however, so far correct, that it was quite within the *possibility* of events, that he might have been called to the highest honors of the ducal family.

† MS. penes me.

‡ Morning Chronicle, May 20th; St. James's Chronicle, May 21st, 1812.

"Bread or Blood;" and (very much needed at the time) demanded *Cheaper provisions*. "Tell your master," said the assumed public voice, "that he's a d—d unfeeling scoundrel; and that if he don't attend to the above, death shall be his portion, and that soon." The other, from *An Enemy to all the d—d Royal Family*, was directed to the prince himself; and requested his royal highness "to take care of himself," for his life was in danger." If that had been all, the letter might have been taken for the communication of some penitent conspirator or surly friend in disguise. But the "*Enemy*" further informed the "black-guard" that he "should share the fate of Mr. Percival." The threat, however, was made contingent on the hanging of "Bellinghall;" and the writer was considerate enough to allow three months' grace; which gave his royal highness ample opportunity to "take care of himself;" and his government time to offer a reward of *one thousand pounds* for the discovery of the writer.\* Politicians were divided as to the dignity of the act of Council; and the stability of a government that could "condescend to notice such contemptible trash."† But the reward was offered, and all loyal subjects were called upon to exercise their wits to obtain it.

Now it may be observed that the letter of *Vox Populi* to Colonel Mc. Mahon, and Mr. Walter Howard's apology to the prince, bear the same date,—May 12th. At what place and when the former was posted, has not been said; but Mr. Howard has himself placed on record—"put this in the post-office, Pall Mall;" and Mr. Jefferies, bookseller and letter receiver at that spot, with a knowledge of the fact, and an eye to the very handsome reward, communicated his suspicions to Colonel Bloomfield; and it was shortly afterwards announced to the public by some of its "organs:" "We have heard that the author of the threatening letter for which a thousand pounds reward was lately offered in the Gazette *has come forward*. He turns

\* Gazette, May 19th, 1812.

† Morning Chronicle, May 20th.

out to be the person who has so long persecuted the duke of Norfolk by claims on the title . . . . . Yesterday, it occurred to Mr. Jefferies to communicate the circumstance to Colonel Bloomfield, and *the discovery followed*.\* A morning Journal of the following day, giving a little variety to the account, says: "He turns out to be the *insane person* who has so long persecuted the duke, &c.:" and adds, "Mr. Jefferies is fairly entitled to the thousand pounds."† The Privy Council, however, less credulous than the public expositor, thought otherwise. With Mr. Howard's apology to the prince before them, independent of the loyalty expressed in his recent address to the Regent, the handwriting was sufficient proof that he had not written—the "contemptible trash" that would "disgrace a shoe black;"‡ and could only have emanated from the "basest of the human race."§ No proceedings were taken upon the information; and a few days later, it was announced by the public press, that "Mr. Howard, the claimant of the Norfolk title, has *denied* being the author of the threatening letter sent to Carlton House."|| The denial, in some of the papers, was followed by the insertion of Mr. Howard's genuine letter to the prince; and for the moment it appeared likely that public opinion, expressed by its mouth-pieces the public press, might have been exercised in his favor; but the publicity was turned to his disadvantage; his claims *on the duke* were represented as claims *to the dukedom*. When he told the prince that "from researches

\* Courier, May 26th. † Morning Chronicle, May 27th, 1812.

‡ St. James's Chronicle, May 21st, 1812.

§ Morning Chronicle, May 20th, 1812.

|| Star, June 5th; News, June 7th, 1812. It is not certain whether Mr. Jefferies, in the result, did not feel himself to be an ill-used man. "On Friday last," states the police report, "the hon. G. Tiernay, walking with lord Spencer down Pall-Mall, was assaulted by Mr. Jefferies, the bookseller, who told him *he was a pretty fellow for a Privy Counsellor*; and charged him with an attempt to injure him in his trade. The offender was held to bail, himself in £200, and two sureties in £50 each.—Star, June, 16th.

he had made, it appeared to him there had been no right and lawful heir to the Norfolk title and estates for some time past ;" although his opinion was immediately followed by the qualifying admission, that he might be wrong in his judgment ; advantage was taken by his enemies to represent him as an immediate claimant of the Norfolk honors. The duke, although he might have little reason to exclaim :

I like him not ; nor stands it safe with us,  
To let his madness range ;

even determined to act more roundly with him for the future : the poor claimant's "lunes," moderate as they had been, and not quite visionary, should be met with still greater severity than he had hitherto experienced. His Grace turned him over unreservedly to the mercy of his menials as the butt of their insults and amusement. He was jeeringly addressed by them as the "sham duke:" the "mad duke:" and the following letter relates that, attending at Norfolk House by some postponed appointment, he had been taken into custody for an assault on the ducal knocker, and committed to prison for the offence.

#### "TO THE DUKE.

"Your Grace,

"As you occupy the title, as such I address myself to you ; and I trust you will not consider it presumption. If I have committed any affront, it must proceed from the singular and remarkable behaviour of the servants at Norfolk House, and those at Enfield, and at Ewood, who have told me that I am an impostor and a swindler ; and that I deserve to be hanged : I should be glad to know for what ?

"But to be particular any further on what is past is not my present purpose, as the object of this letter is the future ; and what regards myself in honor and truth. I hope a better understanding will take place than hitherto has been, and that I may have a satisfactory answer from you as to my family rights.

"You arrived yesterday in town, and possibly your stay will not be long. What I have now to mention is regarding a letter that Mr. Kent\* addressed to you on my account, *while I was confined in Tothil-fields prison for going to Norfolk House, as by your orders*, from 18th May to last sessions. Though Mr. Kent was an entire stranger to me, having heard of my case, (which is sufficiently public) he offered with much willingness to act as a mediator. I have every reason to consider him a gentleman; I know no otherwise of him.

"I understand the letter Mr. Kent wrote and sent to you last May, *while I was confined on your account or in your name*, is in the possession of Williams, the porter at Norfolk House.

"Possibly it may not be agreeable to you to see or speak personally with me; therefore whatever answer you may determine to give, you will perhaps give to Mr. Kent.

"Mr. Bryant, of West-street, St. George's-fields,† *who is your acquaintance*, told my wife that he would speak with you concerning my affairs.

"I shall be glad of your answer by either of these gentlemen, or by any other you may think proper to appoint, as early as convenient, as we wish to go into the country.

"My wife is the bearer of this, and will wait for your answer, if convenient.

"Tuesday, 10th Aug., 1813." "WALTER HOWARD."‡

Poverty-stricken in purse, broken in spirit,—if not wholly subdued by persecution, the man must have possessed Pandora's box, who, with the experience of the recent past,

\* A true philanthropist, whose modest charity would—

—— conceal his name;

Do good by stealth, and blush to find it fame.

† A gentleman of some estate in the county of Surrey; for several years resident within the rules of the King's Bench prison.

‡ MS. penes me.

could still have entertained *hope* from the source of his aggravated sorrows. But his letter had been received: it had been personally acknowledged; and without other resource,—for a brief space—and for the last time—he did *hope*. The following tells with what result.

“TO THE DUKE.

“Your Grace,

“I was in hopes to have received some favorable answer from you before this, to my letter of the 10th August last, *which you acknowledged to my wife you had received*; or else that you would have replied to Mr. Kent or to Mr. Bryant; but I have since been informed by a gentleman who is acquainted with Mr. Bryant, (who is a stranger to me) that *you do not mean to give any answer*.

“How to account for such an extraordinary variation of behaviour in you I am at a loss; so opposite to every principle of honor which ought to have actuated your conduct towards me. Instead of complying with what you have repeatedly expressed to my wife and to myself; and independently of the proofs I have delivered, you now want to hold me forth to the public as an impostor, or you have employed others to do so; but that is not in the power of any one to prove.

“With more reason you might make some scruples in regard to Bernard Howard,\* and others, for assuming claims he nor they have any right to; but your favor and

\* The latest information, MS. or printed, that appears to have been accessible to Mr. Howard, (*Collins' Peerage, cit. Charles Townley's MS. Coll.*) traced the descendants of Bernard Howard, eighth son of Henry Frederick, earl of Arundel, to the year 1755; but Mr. Walter Howard did not recognize in one of them the unfortunate Henry Howard, of whom the traditions known to him did not induce the idea of noble descent. When, therefore, he beheld his son, “the young Bernard,” introduced into the “*Wrangling House*, and acknowledged as presumptive heir to the dukedom of Norfolk,” (*MS. Mem., 1798, penes me*) he took it to be by the special favor or adoption of the duke; and frequently contrasted it in terms of bitterness with the harsh treatment himself received.

interest would not be sufficient to disclaim a right heir or to adopt a false one, without the perfidious means of the Heralds.\*

"You do not regard the justice of the law in your conduct towards me; the interest of the law you have, and you find it sufficient. Not satisfied with the Norfolk estates and title, which might be sufficient to satisfy the avarice and ambition of any; you have added to your wealth, and effected my ruin by withholding from me the small estate you said you had in charge for me; and you have taken from me the Ewood estate, or have suffered others to occupy it in your name.

"14th February, 1814.

"WALTER HOWARD.

"Put this in the post-office, Parliament-street."†

Three months later, the duke's publicly expressed sympathy for individual suffering, reported in the parliamentary debates of the day, revived in violent contrast, to the mind of Mr. Howard, the injustice he had himself received from his Grace; and gave occasion for the following letter—

\* Their majesties at Arms will look serenely on the sharp rebuke of a man who had suffered so much from the benighted intelligence or stolid imperception, it must be presumed, rather than the *perfidy*, of one or more of their official ancestors. Let it be remembered, however, that the life of a man was sacrificed, probably, by the act: their noble chief, perhaps, led to persecute where the family pride of himself and other noble Howards might have been *shamed* into patronage. If there could be found any apology for the neglect of the duke (without being any excuse for the brutality of his conduct) it would be based on the condemnation of the official person or persons who evaporated the "remote suspicion of alliance combined with the name;" and curdled the "unlimited attachment" of the duke at its source, by fabricating the spurious descent. Not omitting some charitable and genealogical responsibility in the reverend Official Secretary of the Earl Marshal, (employed, at an early period as a mediator by the duke) who, by his own statement, "for eighteen years had the genealogical stores of the College of Arms laid open to him under the auspices of his Grace."—*Dallaway, Hist. Western Sussex, Preface.*

† MS. penes me.

## "TO THE DUKE.

"Your Grace

"Ought to have considered that when you made a motion in the House of Lords, on the 12th of this month,\* for a sufficient provision to be made for the army at the conclusion of peace, that you are now occupying and enjoying the dukedom of Norfolk, with the estates belonging, I apprehend to the value of £100,000 per annum; and that you have deprived, and are withholding from me, the Ewood estate; besides the small estate of £300 or £400 a year, which you told my wife and myself you had in your charge and care, belonging to me.

"While considering the army, you must be conscious of the injustice you have done me. If I was ignorant of my right, that ought not to make any difference. Consider I am the last of my family; and not to afford me the smallest assistance or allow me any maintenance, even from the estate you said I was entitled to, is very unjust.

"Not to make my letter too tedious, or to dwell any further on former subjects, I have only to observe for the present, that I have not received a reply to any of my letters to you, or by Mr. Kent or Mr. Bryant, or by any person else; and the doors of Norfolk House are shut against me when I call.

"14th May, 1814."

"WALTER HOWARD."†

From the date of this letter, an interval of about nine months in the history of the unfortunate writer, must be

\* Reported in the newspapers of the 12th. On the motion for a *Grant to the duke of Wellington*, May 11th, 1814, "the duke of Norfolk adverted to the numerous sailors and soldiers who would be thrown out of employment by the termination of the war, whose cases ought, as far as practicable, to be considered. Though he greatly wished that meritorious and gallant officers should meet with due honorary rewards..... Yet he deprecated too extensive or frequent an addition to the members of that House, as militating against the principles of the constitution. He adverted to the long interval since the highest rank of the peerage was conferred."—*Hansard, Parl. Deb.*, v. xxvii., c. 818.

† MS. pences me.

supplied, and may not be very difficult to supply, by conjecture. The Court of Chancery he had been forbidden to enter, and the Chancellor declined to receive him in private. The doors of Norfolk House were closed against him. Report says they were sometimes opened; and the visitor found in the hall a constable, in the pay of the duke, whose duty it was to attend him by a back exit to the police office, amid the jeers of the rabble; whence he was committed to prison to muse over his wrongs and ruminate on the worthy magistrate's advice to amend the errors of his evil way. Of course he told his tale, and urged his claims on the duke—on his promises—on his representations, and as head of the noble family whose name he bore. "If his *right* was *well founded*," said one of these administrators of the criminal law, "there would be many persons ready to undertake his cause."\* The solitude or the solace of a prison; and his autumn wanderings among the Surrey hills, brought round the period for the meeting of parliament, and the time for the payment of his little annuity; when Mr. Howard is again heard of in town. "By the persuasion of several persons of respectability," he wrote to earl Stanhope, "I do myself the honor of addressing your lordship on the subject of my cause and claims, which have been published for many years past in various newspapers.

"It was but last Monday, the 13th of this month, I attempted to address the House of Lords on the subject of my claims: your lordship and the present possessor of the Norfolk title were present at the time;† but I was prevented from addressing the House; and I have not sufficient influence with any members of the House of Peers to induce them to introduce my cause to their lordships' notice.

\* The Mysterious Heir, *Seco.*, Address, p. iv.

† The duke of Norfolk and earl Stanhope both addressed the House on that day.—*Hansard, Parl. Deb.*, v. xxix., c. 720-1.

"That your lordship may be better acquainted with the nature of my case, I have taken the liberty of leaving with this letter, a newspaper of the 15th June, 1812, containing my appeal to his royal highness the Prince Regent.

"I hope your lordship will excuse the liberty I have taken; and I shall esteem it a favor if your lordship can make it convenient to speak personally with me on the subject."\*

With the Court of Chancery closed against him, it might be asked how it happened that the unfortunate man could have made his way into the House of Lords? Nor was it the first time. "I apprehend it may be about two sessions past," he had long previously written, "that, unqualified as I was, though in a just cause, I entered the House of Peers, with, and in presence of, the present possessor of the title of Norfolk, in hopes of having been permitted to represent my claims in presence of the duke, as to his promises made to me; and my right to an estate which he had represented both to my wife and myself, as belonging to me. The answer I received was, 'Not to disturb the House, and they would consider about it.' I took that to be my answer."† The extreme lenity shewn to the disturber of the august assembly was something beyond the treatment even of a *maniac*; which, probably, would have been instant removal by the officers of the House, and careful custody for the future. It approached more nearly the forbearance to a person known or supposed to have claims on the consideration of the House,—object of pity rather than of punishment. Was such a position complimentary to the duke? With the original facts in memory, excepting Charles duke of Norfolk, was there a man in the House of Peers, who would not, by some act of generosity, or by other means of yea or of nay, have

\* Letter dated 16th February, 1815.—*MS. penes me.*

† Appeal to the Peers, 28th January, 1811. Address to the Prince Regent.—*Appendix.*

met the case, and avoided the chance recurrence of such an encounter?

It was the unfortunate circumstance attending Mr. Howard's appeal to judicial and public sympathy, that the falsified pedigree, although repudiated by himself, had so completely destroyed the identity of family ties, that, although his immediate parentage, and himself from childhood, had been known to the ducal family, no position for him or his progenitors could be found in the family tree; and the "remote suspicion of alliance, combined with the name," on which the alleged regard of the duke delighted to lavish favors, had been rudely stifled in its embryo conception by the imputation of an ancestor,—honored by his sovereign,—but unhallowed in his birth. If the question subsequently asked,—*Who is Mr. Walter Howard?*—could then have been satisfactorily proved; though he had failed to secure the friendship of the duke, he might have found favorers of position and authority, who would have brought the members of a noble house to a sense of their moral duty. He had himself so exalted a regard for truth, and so primitive a notion of administrative justice,—that, confronting the duke before his peers, seemed to him the most direct and effectual method of demonstrating facts, and reducing the question of right to a proper judgment. The idea was worthy of our earliest notions of jurisprudence, and might have been acquired from some plastograph in the *Alfred Saloon*, if the designs had been completed, and the unfortunate outcast had been privileged to study Saxon institutions, under the guidance of Charles duke of Norfolk, within its sacred walls. The truthfulness that impressed all who listened in kindness to his tale, found friends in his greatest need; and, impressed with the conviction that he was not the impostor or the maniac he was represented to be, there were persons in authority who *permitted* the presentation of his address to the Prince Regent; there were persons whose duty it

would have been to prevent, but who, on several occasions, *did not prevent* him from following the duke of Norfolk into the House of Peers.

An enduring impression of the deep injuries he had received in the obscurity of his descent, as he believed "purposely to disclaim" him; and the wrong he had sustained in the manner of his ejection from the Ewood estate; were the subject of his latest complaints;\* and two days after his letter to earl Stanhope, Mr. Howard addressed the following—

"TO THE DUKE.

"Your Grace,

"If you consider me so entirely unacquainted with the wrongs and injustice you have done me, you wrong your own judgment. After all that has passed and the proofs I have produced, I can but consider you have acted a most ungenerous, treacherous, and cruel part towards me, in every respect; denying your words and promises made both to my wife and to myself; which, if you had but honor and justice enough to have kept, would have been sufficient for all my wants.

"Your power of possession is so great, that it appears you can adopt such successor as you please, whether right heir or not. Not to mention Barnard Howard, there is he of Ashstead, who has taken the name of Howard,† and

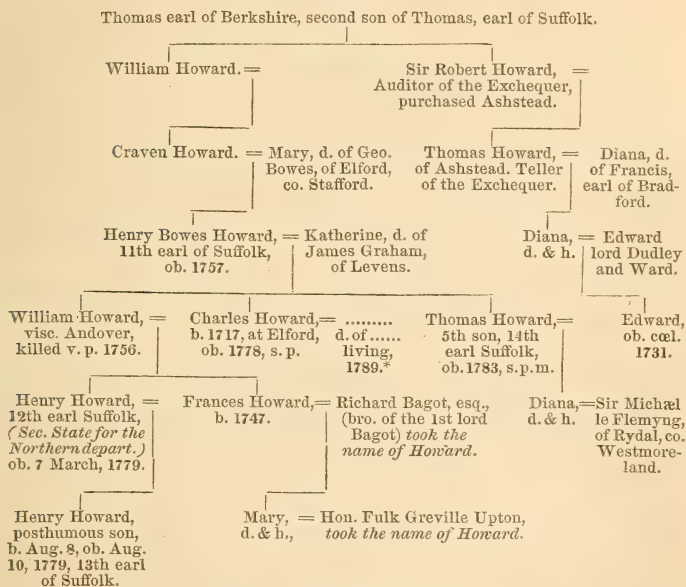
\* Letter dated 22nd February, 1815.—*Appendix*.

† The manor of Ashtead, co. Surrey, purchased of Henry duke of Norfolk by Sir Robert Howard, knt., fifth son of Thomas earl of Berkshire, (*ante*, p. 189,) became the inheritance of his grand-daughter Diana, wife of Edward lord Dudley and Ward; and she, in default of surviving heirs, devised the estate to her kinsman, Henry Bowes Howard, earl of Suffolk, *for life*, with remainder to his fifth son, Thomas Howard, and his *issue male*. Thomas Howard, on the decease of his great nephew, Henry, 13th earl of Suffolk, in 1779, succeeded to the earldom, and died, leaving only a daughter, Diana (wife of Sir Michael le Flemyng, of Rydal, co. Westmoreland, bart.) who, after her father's decease, held Ashtead, but was unable to maintain her right; for her cousin, Henry Howard, 12th earl of Suffolk,

become possessed of estates; and others to whom you find no objection. The only difficulty you find is with me. How many others are to be provided for, you are better acquainted with than I can be. I apprehend your answer to this will be, that you will take care I shall not

nephew and heir-at-law of her father, having devised his expectancy to his sister, Frances Howard, in fee, the estate in law devolved upon her. She married, in 1783, Richard Bagot, esq., *who took the name of Howard*, and held Ashstead *jure uxoris*. Their only child, a daughter, Mary, became wife of Colonel the hon. Fulk Greville Upton, who also assumed the name of *Howard*.

## DESCENT OF THE MANOR OF ASHSTEAD.



The descent of the manor of Ashstead was not the only circumstance having reference to this branch of the family, that interested Mr. Walter Howard. The following narrative doubtless had sympathy from his own sorrows; and might have taught him the exact value of any expectations from the same source. "November 24th, 1789. There is now living at Salisbury, the widow of the hon. Charles Howard (\*) uncle of the late earl of Suffolk, who was Secretary of State. This lady is in the most abject state of poverty, and entirely relies on the bounty of her neighbours

be provided for; though wronged of the inheritance of my family; and deprived of the Ewood estate besides, by you or in your name.

"It is not to such as Barnard Howard or any others, you can expect that I should ever make my application. I consider it your obligation and duty, as you personate the head of the Howard family, to adopt such means that I should be sufficiently provided for according to my birth-right, as you expressed, and as you might think fit; and that I should be enabled to provide for my wife in case of my decease, which is not in my power to do.

"If you are so determined that you will comply with no terms, it will be well for you if you can account before God for your conduct, with the same fortitude you have governed yourself by towards me; while I must submit to the misery and persecution I have suffered all my life.

"The servants will not deliver my name in, nor any message from me, therefore I find it necessary to send this by the post, trusting the event of it, whether the receipt of it is acknowledged or not by you from

"18th Feb., 1815."

"WALTER HOWARD.

"Put this in the post-office, Cockspur-street."\*

The event of it? That were sooner told than the sorrows of complaint. Calamity, 'tis said, is not only long-lived, but oftentimes well-stored of speech withal. The poet asks:—

Why should calamity be full of words?

When the patient sufferance of wrongs, scripturally enjoined, is so beautiful—to the imagination, why should a sigh dispel the sentiment? Why should lament disturb

for support. A few years since the present earl paid into the hands of Joseph Elderton, esq., of that city, ten guineas for her use; on receipt of which she wept, and was near fainting. Mrs. Howard would have been at this time countess of Suffolk, had her husband lived six months longer. She has always conducted herself with propriety."—*Walter Howard's Papers. MS. penes me.*

\* Ibid.

the mute endurance; but that we are also told—words in utterance give wings to grief:—

——— though what they do impart  
Help nothing else, yet they do ease the heart.

Safety valve of the human passions!—

Windy attornies of their client woes,  
Airy succeeders of intestate joys,  
Poor breathing orators of miseries!  
Let them have scope:

The needy supplicant,—yet erect, and proud of honor,—in his misery, may take comfort in the thought; and to their native element address his solemn words. The duke was busy.

His Grace, who had expended his political life chiefly in “opposition,”—(esteemed equivalent to a service in the “cause of his country,”)—was at this moment occupied to the full in planting the crowning laurels of a great event. The times had not been propitious for unlicensed freedom of thought or action; and for some years the fancy of the duke had been directed to the erection of a Temple to be consecrated to the memory of English liberty. The Barons’ Hall, at Arundel Castle, was being hastened towards completion for the celebration of a great national commemoration.\* The six-hundreth anniversary of the formal acceptance of the *Articuli Magne Carte Libertatum* by king

\* Several of the windows were still incomplete, wanting their mailed occupants in stained glass; and the “*Alfred Saloon*,” unfinished, might only “be distinguished, on the exterior, by a remarkable specimen of bad taste, in a representation of the Saxon monarch *instituting the trial by Jury*.”—*Tiernay, Hist. Arundel*, p. 83. “It represents king Alfred,” says another writer, “dictating to his Chief Judge, the right of Jury. The monarch is represented standing with the *document* in his left hand, written in Anglo-Saxon, and pointing with the fore-finger of his right hand to the words signifying *twelve jurymen*. The Chief Judge, accompanied by the others, receives his majesty’s instructions kneeling. The twelve jurymen form a group on one side of the composition.”—*Morning Herald*, June 13th, 1815. It is executed very appropriately “in artificial stone.”—*Tiernay*.

John, at the demand of his rebellious barons, was only a few months distant; and the duke, with the "unlimited attachment" for his family, which he is said to have entertained, had contemplated a general muster of the blood of Howard to dignify the event. In the estimation of some, perhaps, this might have been considered an attempt to make the palladium of English history a *family concern*; and the celebration of a political triumph entirely subordinate to the sentiment of family pride. *Jockey of Norfolk*, who lived two centuries and a half later in the national annals, and lost his life partisan in a family brawl for possession of the crown, had little to do with the constitutional success to be celebrated; and when the gentlemen who managed the family ancestry, declared that the descendants in blood of the first duke would outnumber the army of the rebellious barons, the plan was modified in its extent, and the family invitations limited to a moderate attendance of noble and accepted Howards.

The elaborate preparations had been the subject of daily note by a special reporter for the gratification of the fashionable world. The duke arrived at the Castle some days before the period for the imposing ceremonial, to hasten and superintend the definitive arrangements. Over the grand portal a group in marble had been erected, representing *Liberty* and *Hospitality*; by the side of the former reposed a *lion*; by the latter a *horse*; the two supporters of the arms of Howard. On the 11th June, twelve turtles arrived from London; the ox had been slaughtered for the baron of beef; and in the evening a company of comedians inaugurated the auspicious commemoration, not inappropriately, with the comedy of the *Rivals* and the farce of the *Intrigue*.\* The news letter from the Castle the following day, announced the arrival of six more large turtles from town; dinner was in preparation for eight hundred persons; twenty-five cooks had been engaged for several

\* Morning Herald, June 14th, 1815.

days; three oxen and five calves had already been used in the kitchen; every viand that taste could suggest and the season afford was in preparation; the baron of beef had been roasted, ornamented with flags and evergreens, and surmounted with a coronet. The ball supper was being prepared for three hundred guests, with great magnificence; and the duke of Norfolk and the marchioness of Stafford were expected to lead off the dance upon the *light fantastic toe*.\* It is the intention of the duke, added the correspondent, to continue the festivities for twenty-one days.

Two chests, containing parts of twenty suits of armour, had been received from the marquess of Townsend,† and several armourers from Birmingham were engaged in arranging them in all the majesty of ancient warfare. *It was at first intended that the duke and barons should equip themselves in those awful habiliments of war*; but on examining them they were found in so delapidated a state that the idea was abandoned. Two suits, however, were scoured and placed on wooden dummies to guard the baron of beef; which, on a silver dish, was destined to be elevated on a cushion covered with velvet at a side table. On the 14th, more turtles arrived. The marchioness of Stafford‡ gladdened the Castle with her noble presence; and the duke, with a distinguished party, attended the theatre in the evening, to witness a presentation of the *Wheel of Fortune*,—which, six centuries before, had been running so adversely to the wishes and endeavours of king John.§

On the 15th June, 1815, the festivities commenced.

\* Morning Herald, June 16th, 1815.

† George Ferrers of Chartley, third marquess; son of the well known president of the Society of Antiquaries.

‡ The lady Elizabeth Sutherland (daughter and heiress of William earl of Sutherland, who died in 1766), countess of Sutherland in her own right. The lady Elizabeth was born in 1765, and in 1785 the countess married George Granville Leveson Gower, second marquess of Stafford; who, in 1833, was created duke of Sutherland.

§ Morning Herald, June 17th.

"The Barons' Hall had been got up with all the upholstery necessary for the occasion. Ancient suits of armour, swords and spears, forged in former times for a very different purpose, were suspended from the walls: every adventitious aid was adopted to give state and majesty to the *carousal*, which was intended to celebrate the magnanimous conduct of the barons of England who assembled at Runnymede, and forced their faithless king to subscribe to the conditions which they imposed upon him; and which, at this very day, constitute the foundation stone of English liberty."\* On the western turret, two of the band of the Sussex militia, dressed as warders, announced the arrival of the guests by a flourish of trumpets. When the company had all arrived, the colours were lowered from the embattelled tower and suspended from the gallery of the Barons' Hall. From the great painted window, king John "with an indignant but powerless frown, seemed to pause in the act of affixing his signature to the instrument, as if to upbraid the uncompromising patriotism of his barons;"† but the baron Fitzwalter‡ was there (with his page) to repel the indignant frown and insist on compliance. "The anniversary," adds Mr. Tiernay, "was celebrated with becoming splendour by a sumptuous entertainment; when the Barons' Hall was used for the first time. The company included twenty-two individuals belonging to the several branches of the Howard family. The dinner was succeeded by a ball, opened by the duke and the marchioness of Stafford; and the festivities of the evening were prolonged to borrow their last lustre from the beams of the returning sun."§

\* Ann. Biog., v. i.

† Tiernay, Hist. Arundel, p. 86.

‡ Vide ante, p. 423.

§ Hist. Arundel, p. 87. Notwithstanding the immensity of the preparations, the record of the commemoration is disappointing. The duke proved himself to be quite below the occasion,—in dignity,—in historical knowledge,—in moral sentiment. At a little before six, his Grace,—not, as it had been proposed, like Buckingham dressed for murder—"in rusty armour, marvellously ill-favored;" but attired in the full costume of the Sussex

But the ephemeral splendour of a banquet or a night *carouse*, that might represent the personal satisfaction, and

militia, led the marchioness of Stafford to the banquet; the band in the gallery playing *The roast beef of old England*. A company of seventy-six sat down to table. When the cloth was removed, the duke, amid breathless silence, rose to give the toast. Expectation was on tip-toe; king John seemed, if possible, to put on a sterner frown; the barons to grasp more tightly the pommel of their swords; the mailed suits to rustle on the walls. The warders, in their gay tabards, with distended cheeks, were ready to give a blast for English freedom, that should echo to the vaulted roof the triumph of the pledge: but his Grace was mild: and, mincing as Antony before his Egyptian dish, proposed—‘*The fair of this Company*,’ which, of course, was drank with acclamation.

The ‘Duke of Wellington;’ with the *Conquering Hero*, followed: and the duke of Norfolk rose: “While the glorious achievements of the great General,” said his Grace, “beamed upon the mind, we must not forget from whence the laws under which he fought and conquered, proceeded. He had invited (and no man could feel more sensibly the honor done him) the distinguished party before him, for the purpose of commemorating an event which ought to be revered as the foundation of the rights and privileges of the people—he alluded to those illustrious characters, the ancient barons of England, who compelled king John to sign an instrument which secured to all ranks an equal administration of justice. He hoped the commemoration of such an event would be carried down the stream of posterity, and ever be impressed on the minds of all ages, with respect and admiration. He concluded by proposing ‘The pious memory of the *twelve Barons* (?) who compelled king John to sign *Magna Charta* for the security and benefit of the people.’” (*Loud applause.*)

The duke, who had probably acquired his knowledge of the glorious achievement of the ancient barons from the painted glass above him, and his enumeration of those “illustrious characters” from the number of his side windows,\* must greatly have embarrassed any of his auditory who might have examined the subject in expectation of a great oratorical display; and lord Percy, who stood up to respond to the toast, lost a fine opportunity for historical comment. Doubtful, perhaps, whether the noble Richard de Percy might be appointed to a vacant window and be thus included in the duke’s enumeration of the *Magna Charta* heroes, he sunk

\* The *Magna Charta* window occupies the end of the Hall. The twelve side windows are thus described:—On the left. 1. Roger de Mowbray (portrait of the earl of Suffolk). 2. Robert de Ros (lord Howard of Effingham). 3 and 4 vacant. 5. Richard de Mountfitchet (the late Mr. Howard, father of lord Howard of Effingham). 6. William de Mowbray (late earl of Suffolk). On the right. 1. Roger Bigod, earl of Norfolk (present earl of Surrey). 2. Humphrey de Bohun, earl of Hereford (the late lord Henry Molyneux Howard). 3 and 4 vacant. 5. Hugh, son of Roger Bigod (Mr. Henry Howard of Corby). 6. Robert Fitzwalter (the duke).—*Tiernay, Hist. Arundel.*

impress in vivid but evanescent colours on the fading memory of a generation, the noble action of the illustrious men, who, in the imperative fashion of their day, had advocated a reform,—less violent and subversive of public order, than had been the modern madness of some of the duke's early compatriots and friends,—was not the only method his Grace had adopted for preserving the memory of their prowess and his own praise:—

Non est ad astra mollis à terris via.

When the record of English annals shall have been lost in time, and Runnymede, with its stirring events in history, forgotten, the Archæologist of some future age, grubbing beneath the sod where tradition points to the ancient site of Arundel's proud towers,—may ponder and wonder over the discovery of a stone with the following inscription!—

LIBERTATI
PER BARONES REGNANTE IOHANNE
VINDICATÆ
CAROLVS HOWARD NORFOLCIÆ DVX
ARVNDELII COMES
A C MDCCCVI
ÆTATIS LX
D D

When Charles duke of Norfolk confronted king John,\* in stained glass, the vanity, perhaps, was more transparent

the old barons altogether; and thanked the noble host for the splendour of his hospitality.

The ladies, with good taste, retired at eight o'clock; "and the gallery," adds the reporter, "being filled with *Ladies' Maids* and others, the duke, with his usual good humour and good nature, *drank to them* in the usual manner; which excited much laughter and—*consternation!*"—*Morning Herald, June 19th, 1815.*

\* A chronicler of the Arundel festivities, describing the *Magna Charta window*, says: "This superb painting represents king John sitting, at—

than the "well-executed design." When the duke, to celebrate the six-hundredth anniversary of the conference at Runnymede with a *carousal*, quaffed the golden goblet to the pious memory of the illustrious barons deceased, and to the living merits of the *ladies' maids* present, perhaps his Grace added the *penchant* of his own mind to the noble enthusiasm of the Roman poet:—

—— tuumque

Nomen, Libertas, et inanem prosequare umbram !

It was the duke's last *carouse*. Fifteen days and some nights of revelry ended in sorrow. "Many symptoms of a disagreeable kind," writes his biographer, "had long been exhibited; and while doing the honors of the late festival at Arundel Castle, he is said to have received repeated warnings of the approaching catastrophe. No hope was entertained of him from the first; for his Grace was of a very plethoric habit, had lived freely, and had already attained a mature age,—the duke was sixty-nine. In the course of the autumn he became seriously indisposed, and was confined to his mansion in St. James's Square. Let us not revert beyond necessity to the sanctuary of a sick-room. His biographer has related how he was said to have preserved his protestant consistency; and prepared himself for the great change that was inevitable and near at hand.\* His parent's writings had early instructed him in the practice of all the christian virtues, and the obligation

tended by the Pope's nuncio and the barons; while the king's page, Sir Hugh Montgomery, *presents the duke of Norfolk of that day to the king!* The likeness is a striking one of the present duke."—*Morning Herald*, June 15th.

\* "It is whispered," said this writer, "that he refused seeing a priest of the church of Rome, in his last moments, although it had been repeatedly proposed to him; and, in the manner of a tradesman's advertisement, adds, 'during the awful struggle that finally closed on the 16th December, the duke is said to have sent to a booksellers in Pall Mall, for 'Drelinecourt's Consolations against the Fear of Death,'—a work that has gone through forty editions.'"—*Ann. Biog*, v. i.

of moral duties. In the midst of his rejoicings at Arundel thoughtful words had been preached before him from a remarkable text—*Matthew*, xxiii., 37, 38; and the players had presented to him the *Foundling of the Forest*.<sup>\*</sup> As he lay on his sick bed, did the last solemn appeal of the “*insane person* who had so long persecuted him” ever recur to his mind? The *poor maniac*, who, expelled from Ewood, had been for nearly twenty years a homeless wanderer, suppliant for his mercy? If he had not, the chance—the late opportunity occurred, by a mite from his well-stored coffers—of satisfying conscience, and awarding happiness—lost to his own enjoyment: the poor man knocked at the door! It was the last day of October; and the public journals are responsible for the following narration.

“Howard, the troublesome pretender to the Norfolk title,” wrote the facetious gentleman who reported the proceedings at the police Courts, “was brought up yesterday, *for about the twentieth time*, charged with creating a riot opposite the duke of Norfolk’s house, in St. James’s Square. *He was very troublesome at the door*, and was given into the charge of a constable.”† “This unhappy man,” adds a weekly contemporary, “has so often presented himself, *in the character of duke*, at the duke of Norfolk’s, that *it had been considered advisable to adjudge him to several periods of imprisonment*. It is, however, impossible, *in the present state of his mind*, by any threat of punishment, to divert his attention from the honors of dukedom and the advantages of domain. *He was cool and intelligent* in asserting his right, which he said was not alone the dukedom, but he was legitimate heir to all the Norfolk estates; at the same time observing that he would be content with the estate at Dorking. Mr. Vincent, the magistrate, visited him in the strong room; and he requested Mr. V. to write to the duke in his behalf. This,

<sup>\*</sup> Morning Herald, June, 17, 20, 1815.

† Morning Chronicle, Nov. 1st, 1815.

however, was refused by the magistrate, who said he had on a former occasion applied to Mr. Molyneux Howard\* ineffectually.

For the information of the public and the benefit of the unhappy culprit, Mr. Vincent† stated, that Howard “had the interest of *five hundred pounds, left him by some branch of the family*; and that if he would abstain from his improper conduct, it was likely some of the family would make it up fifty guineas.”‡ The circumstance (imperfectly represented) appears to have impressed the magistrate,—if consistency had no influence on the reporter,—that the unfortunate man might “really have some well-founded claims upon the Norfolk family.”§ The merry conceits and witty extravagancies of the police reports respecting him may be now tested by the known character of the poor man’s claims; while the latent suspicion of the Bench appears at the time to have produced an exhibition of commiseration unusual, if not unknown to the judicial character of the present day; for it is added to some of the reports of Mr. Howard’s examination, that “the magistrate gave him the choice *to go to any prison he might name*, if he could not find bail: he preferred Tothil-fields; and was committed to that prison.”||

The duke had passed away when the unhappy man addressed his last appeal to the lord Chancellor on the subject of his claim to the Ewood estate. “I have for many years,” he observed to the Equity judge, “addressed your lordship on this subject, and published my case. I think

\* Mr. Henry Thomas Howard, second son of Mr. Henry Howard of Sheffield, younger brother of Bernard Edward, who succeeded to the dukedom in 1815. Mr. Henry Thomas Howard took the name of Molyneux by royal sign manual; and, after his brother’s accession to the family honors, obtaining a patent of precedence for a *duke’s younger son*, became the lord Henry Molyneux Howard.

† The magistrate presiding at the Police Court, Marlborough-street.

‡ Examiner, Nov. 5th, 1815. § Ibid., Aug. 20th, 1809: ante, p. 461.

|| Morning Chron., Nov. 1st; St. James’s Chron., Nov. 2nd, 1815.

I ought to have my trial, either to justify me or to condemn me; and not to be wronged of every property, as well that I was in possession of, as my inheritance by birthright. But the law will not interfere in my behalf, and I am not suffered to enter the Court; neither will your lordship speak personally with me, nor can I procure sufficient interest to have my cause tried in the Court before your lordship or before the House of Lords.

“How am I to act and govern myself under such injustice? It is the opinion of many that my case should be chargeable on the Court of Chancery as a Court of Justice and Equity; and I should be glad to know how far my dependence may rest on that source of support.

“It is time some justice should be done me: for some years past I have been contracting debts upon my family claims; and have constant demands on me which it is not in my power to satisfy. On this account my credit is stopped, and it is not in my power to indemnify any body. I hope your lordship will take my case into consideration, that I may know how my dependence will be established for the future conduct of my life; and that I may cease from troubling your lordship or the Court any more.”\*

To this his last appeal, lord Eldon gave the following condescending reply, in a letter delivered to Mr. Howard by his lordship’s train bearer, Mr. Hand:—

“The Chancellor can only repeat to Mr. Howard what has been often stated, that the Court of Chancery has no power of interfering in such matters as that of the claim he makes.

“Lincoln’s Inn,

“25th July, 1816.”†

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\* Letter to the lord Chancellor, dated July 15th, 1816.—*MS. penes me.*

† *Ibid.*



Burr: at Clodern. . . . .

William Howard Esq; marr: in . . .  
the Isle of Perssey Died Oct. 1777.  
Aged 32 Burr: at Warrington or Lambeth

Walter Howard born 19<sup>th</sup> May 1759 . . .  
Marr: at St. James's Church . . .  
Piccadilly.

Catherine Tuckombe of the Isle of  
Perssey, died in 1778. Burr: with  
her Husband.

John Martin, Gadzie Northumb:  
born 16<sup>th</sup> Jan: 1760. . .

## CHAPTER XIII.

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Advocate?

That's the Court word for pheasant.

Say you have none.

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## DESCENT OF THE HEIR OF POVERTY.

AMONG the unfortunate positions of the unfortunate in this ever-revolving world of ours,—to endure the ban of an imputation that has never reached the ear of the sufferer: to be shunned without knowing the reason why: to be thrust from the smiles of hope and the complacency of personal respect to the frowns of penury and the coldness of contempt, without a cause assigned,—is, perhaps, the most unhappy; for it affords no opportunity of meeting the secret allegation,—no chance of dispelling the scandal unknown. Poverty will soon enough reduce a man from the social sphere of his ancestors; while whispered aspersions, if they do not accelerate, may yet embitter the fall, and prevent redemption by staying the helping hand. Such a position seems, in some sort, to represent the deplorable lot of the heir of Poverty. The alleged genealogy of Mr. Howard, which, from the source whence it emanated, has been called the “Heralds’ Office Pedigree,”\* had been prepared for him more than twenty years; and for about the same period of time had been the subject of his frequent protest and complaint to the duke, at whose instance it had been procured. During those long years he had repeatedly

\* The copy found among Mr. Howard’s papers is given in *facsimile*. The original, which, under the circumstances narrated (*ante*, p. 432), may be taken as a report upon the case for the information of the duke, seems

Walter Howard's Pedigree as Received from the Heralds Office 1794.

... & 3  
Sir Charles Howard of Somersham ... Eliz<sup>th</sup> ... D. ... 1  
C<sup>o</sup> of Hunt: Hunt: 6<sup>th</sup> July 1657. 88. 1657.  
one of the Gent.<sup>l</sup> Band of Pens.<sup>l</sup> 1667.

3 & 3  
James Howard Esq: Son & Heir ... Dorothy Daugh<sup>t</sup> of Mr. Lorington ...  
appart 1667. living 1670/1. 1690 1667. 1670/1. 1691. Buried at Ford -  
1691. June 16<sup>th</sup> 1705. ...

3 & 3  
Sir Charles Howard Marr: at Ford ... Eleanor eldest Daugh<sup>t</sup> of Sir Francis  
Dec<sup>r</sup> 8<sup>th</sup> 1687. Buried there 22. Sept<sup>r</sup> 1705/6. ...  
Buried at Ford 16. June 1705.

3 & 3  
Charles Francis Howard Esq: ... Eliz<sup>th</sup> Hall of Monkridge,  
Bapt<sup>l</sup>: at Ford 8<sup>th</sup> Dec<sup>r</sup> 1696. Obiit 1737 living in 1782. ...  
Buried at Uxden. ...

3 & 3  
William Howard Esq: marr: in ... Catharine Tiscombe of the Isle of  
the Isle of Jersey died Oct<sup>r</sup> 1777. Jersey, died in 1778. Buried with  
Aged 57. Buried at Battersea or Lambeth her Husband.

3 & 3  
Walter Howard, born 19<sup>th</sup> May 1759. ... Jane Martin Gate Side. Northumb:  
Marr: at St. James's Church ... born 16<sup>th</sup> Jan<sup>y</sup> 1760. ...  
Piccadilly.



solicited his Grace to exercise his authority of Earl Marshal, and assist, by his will and direction, further investigation to demonstrate the connection of his decayed branch with its parental bough of the family tree. In the attributes of the disjointed ancestor assigned for him, he had pointed out very material discrepancies of alleged facts: he had suggested inquiries not open to his own means of development: he had upbraided the "perfidious" Heralds: he had made his final appeal to the justice of the duke;—his last remonstrance against the mystification—wilful to his mind—that seemed to obliterate his branch of Howard from all trace of union with the widely spreading boughs of its ancient stem. Years of earnest hope had yielded their bitter fruit;—the eventful occurrences of the preceding ten months in this unhappy history had intervened; and the duke had shuffled off the mortal coil that should have bound him responsibly to the world's esteem—he valued not; and to the public opinion he disregarded,—when the Earl Marshal's Secretary abandoned a long-observed reticence of the secret "objection" to the "*poor maniac's*" claim to compassion; and disclosed to the world's knowledge, if not officially, a *quasi*-official theory of his "presumed" illegitimate connection with the noble family whose patronymic himself and his progenitors for five generations, were admitted, nevertheless, rightfully to have borne. With this "mere presumption," impressed on the virtuous mind of the duke,—how useless had been his appeal to the professed sympathies of his Grace for the blood and name

ot have been, as probability would suggest, in possession of his Grace (*vide* Mr. Howard's letters, *passim*). Indeed, his biographer must have alluded to the exertions of the heraldic officers, when, referring to Mr. Walter Howard and his father as "humble dependants," he wrote: "the duke never ceased to *employ every inquiry to ascertain their descent* from the family, but in vain."—*Gent. Mag.*, v. lxxxvi., pt. i., p. 66. The Official Secretary of the Earl Marshal was perfectly familiar with those exertions, or he could not have made known and commented on the result of them, exhibited in the "Heralds' Office Pedigree."

of Howard; how futile the latest protestations of the unhappy appellant "that the insufficiency of his proofs proceeded from no other cause than the obscuration of his ancestor by false titles, purposely to disclaim him;—but that it did not nor could disannul him from being a lawful and legitimate descendant."\*

If the writer had anticipated the suggestions of the official pen, his words could not more completely have met the allegation. "Sir Charles Howard," wrote the Earl Marshal's Secretary, "from whom the poor maniac claims to be descended, (but whose *existence* or *connections* cannot be authenticated with any satisfaction,) has been *presumed*, (but it is *mere presumption*) to have been an *ante natus* son of the second earl of Suffolk,—who, *after having privately married his mother*, left him an estate in Westmoreland."†

In questions of pedigree, it is not usual to advance "mere presumption," either in support or denial of important facts: here the imagination supplies the whole proposition. Mr. Dallaway, on his authority of "*E. M. S.*," invited the readers of the *Gentleman's Magazine* to accredit him with the entire theory of his unauthenticated presumptions,—based on a representation that was not a fact; for the "poor maniac" had,—not once—but repeatedly and for many years repudiated, rather than "*claimed*" the descent. The birth of an illegitimate child may not be always easy of proof; but a writer, of official authority, advancing a proposition of so many points, might be expected to give evidence of some one corroborative fact. In the delicate case presumed, namely,—that the second earl of Suffolk had married the mother of his *ante natus* son, and left him an estate in Westmoreland; one or other of those allegations (if founded on fact) surely might have been capable of proof. Some reason for the presumption of the subsequent marriage should have been given, and with *whom*.

\* Walter Howard to the duke. Letter dated 22nd February, 1815.—*Appendix.*

† *Gent. Mag.*, (1816) v. lxxxvi., pt. i., p. 104.

An act giving conjugal *status* and conjugal rights, could only have had a prospective object that privacy would not accomplish; and the estate in Westmoreland might at least have been identified in possession of the *ante natus* son. But Mr. Dallaway was content to rest the credibility of his entire case on "*mere presumption!*"

There were so many knighted Howards of the name of Charles, living contemporaneously in the reigns of the Stuart kings, that some difficulty may be found in the attempt to identify them; but Sir Charles Howard "of Somersham" was not entirely an imaginary person. Perhaps Mr. Dallaway admitted the existence when he questioned the connections; which the knight himself seems to have declared in face of the world, when he placed in the parish church a public memorial of his deceased child. In the chancel of the church of Somersham, co. Hunts, may still be seen a tablet with the following inscription:—

HERE LIETH VNDER  
THIS STONE, y<sup>e</sup> BODY  
OF WILL HOWARD, y<sup>e</sup>  
3<sup>d</sup> SON OF S<sup>R</sup> CHARL<sup>S</sup>  
HOWARD OF y<sup>e</sup> HOVSE  
OF SVFFOLK, OF THE  
AGE OF 2 YEARES, &  
DECEAS'D IVNE, y<sup>e</sup> 29,

1646.

Mr. Walter Howard discrediting, for no other reason than want of proof, his descent from this honorable knight, objected, that a gentleman might take his designation from any estate he possessed: the proposition might have been carried further; for there are many titled lacklands at the present day bearing honors of territorial designation; and residence will give a legal description where no more permanent distinction is acquired from the possession of land.

Such appears to have been the quality of Sir Charles Howard "of Somersham." If Mr. Dallaway expected to find him lord of the soil, he might well have questioned the existence of such a knight.

The manor of Somersham belonged to the Crown; and by Charles the First, with other demesne lands, was settled on his queen, Henrietta Maria, as portion of her jointure.\* Theophilus, second earl of Suffolk, held the appointment of lord High Steward of the manor, chase, &c.;† an office renewed to the third earl, who, by a prudent submission to uncontrollable events, continued to retain possession when its revenues had been sequestered to the use of the parliament;‡ and Sir Charles Howard appears to have resided at Somersham, in some authority representing James earl of Suffolk, at the period when the tablet in the chancel of the church records the decease of his infant son"§ He

\* Lansd. MS. 252.

† Lansd. MS. 921, fo. 44.

‡ September 26, 1643, (the day following the ceremonial of the *Solemn League and Covenant*,) an ordinance was agreed to by both Houses of Parliament for an absolute sequestration of the king's revenue; and those of the queen and prince of Wales; and seizing them to the use of the parliament.—*Parl. Hist.*, v. xii., p. 404.

§ On the 16th January, 1643, complaint was made to the House that divers persons had in a riotous manner disturbed the quiet possession of the earl of Suffolk in the park, chase and woods in the manor of Somersham, co. Hunts. Whereupon it was ordered "that the earl of Suffolk shall have the protection of this House for maintaining the said park, chase, woods, house, grounds, and castle, &c." On the same day the earl took the Covenant.—*Lords' Journ.*, v. vi., p. 97. Sept. 11, 1645, a letter from Sir Charles Howard, represented that Henry Foster and Benjamin Wine had committed violence and killed deer of the earl of Suffolk in Somersham park, co. Hunts.; whereupon the offenders were ordered to appear before the House on Tuesday following, to answer the complaint. Witnesses to attend; and it was further ordered that the guns taken away from the keepers should be restored.—*Ib.*, v. vii., p. 575. Charles Alder, one of the keepers, deposed that he got together his men to oppose the taking of the deer, and desired the offenders to go and speak with Sir Charles Howard, who was in the park. Foster replied, 'What had he to do with Sir Charles or Sir Charles with him; let him come; for deer they came for and deer they would have.' Foster directed the Ensign to pistol one of Sir Charles

probably ceased to be "of Somersham" in 1649, when the royal demesnes were sold;\* and Somersham, the park, chase, and five neighbouring manors, with half the manors of Crowland and Spalding, part of the queen's dowry, were granted in fee simple to the regicide Colonel Valentine Walton, brother-in-law of Lieut.-General Cromwell, in satisfaction of £2,132 6s. 8d. due to him for monies advanced for the use of the Commonwealth.† If the fee simple could have been guaranteed, the Colonel had not a bad bargain; but he was too deeply involved in the antecedents of the Commonwealth to wait the event of the restoration; and the enraged populace, on his hasty departure, anticipated the operation of law by making forcible entry to destroy the decoys and other valuable "improvements" to their prejudice, he had constructed.‡ On the 19th May, 1660, the lords in parliament made an order, "That no waste be committed in Somersham and other places in soaken, whereof the earl of Suffolk hath a patent to keep to His Majesty's use; and that the said earl shall have the possession thereof as formerly until His Majesty's pleasure be further known."§ The interest of Sir Charles Howard in Somersham appears to have been representative. If the

Howard's men, named John Claydon. They fired a pistol at him and disarmed him. A deposition of Sir Charles Howard of Somersham, knt., sworn September 7th, 1645, represented that one calling himself Lient. Col. Norton's lieutenant, did confess to deponent that he had killed and carried away three male deer, namely, one buck and two sorrels, and that Henry Foster killed the same; and that at another time they had carried away three more deer out of the park at Somersham—*Ib.*, p. 587. Oct. 1, Foster was committed to the Fleet, and ordered to give satisfaction to the earl of Suffolk; Wine and Norton were reprimanded; and the latter directed to prevent the soldiers offering any violence of the like kind to the earl of Suffolk.—*Ib.*, p. 618.

\* In 1649, an Act was passed for sale of the Crown lands; with particular instructions to sell them at thirteen years purchase.—*Echard, Hist. Engl.*, v. ii., p. 664.

† Noble, House of Cromwell, v. ii., p. 227.

‡ Mystery of the Good Old Cause, 1660.

§ Lords' Journ., v. xi., p. 34.

tablet in the church referred to the same person, he was "of the House of Suffolk,"—in a collateral degree, it may be, not indicated in the imperfect pedigrees of that noble House;\* but while the *possibility* of legitimate descent remains open, even to *conjecture*, wherefore should he be *presumed* "an *ante natus* son of the second earl,—who afterwards married his mother?" The "*natural* affection" expressed for him by James, the third earl,† surely cannot have been the fallacious origin of such a "presumption?" Theophilus, earl of Suffolk, married to a young heiress,—his wife for two and twenty years, who brought him a numerous family,—is not known, or supposed by any circumstance in his affairs, to have had a second countess; and the reverend Official Secretary could hardly have purposed to *presume* that the imputed *ante natus* son had been the offspring of the lady Elizabeth Hume before her marriage? Yet such is the unfortunate result of his "*presumed*" and presumptuous theory. To answer an unworthy temporary purpose he has been content, on "*mere presumption*," to record an unwarranted slander on a hitherto unimpeached member of a noble house; and to place beyond dispute the permanent wrongs of an injured man. Let us retrace the House of Suffolk to the parent stem.

The Howards of Arundel, Suffolk, and Naworth spring from the same noble stock. They are all descended from Thomas duke of Norfolk, beheaded in 1572, for alleged ambitious views in favor of the Scottish queen, and sym-

\* The pedigrees of the Heralds, chiefly directed to the descent of honors and arms in the representative heirs, are found to be exceedingly deficient in describing the junior branches; as witness the remarkable discrepancies mentioned in the proofs to the pedigree prepared for Mr. Howard (Extr. 8), *Appendix*. Indeed, the line of the present ducal family of Howard, was considered, in reference to the family honors, of so little importance, that it might have been considered extinct in the male line in the person of the first Bernard, were pedigrees of a much later date to be admitted evidence of the fact.—See *Egert. MS.* 1075.

† Proofs, &c. to Heralds' Office Pedigree, Ext. 1.—*Appendix*.

pathy with her Romish tenets. The earls of Arundel of the family of Howard, and their descendants, dukes of Norfolk to the present day, are the issue of the first marriage of the duke with the beautiful and ill-fated heiress of Fitzalan. Thomas, lord Walden, created earl of Suffolk, and the lord William Howard of Naworth, were sons of the duke's second marriage, with the daughter of the lord Chancellor Audley. The issue of the lord William Howard of Naworth and his wife Elizabeth, coheiress of the Dacre of the North, embrace the noble House of Carlisle; the respectable House of Howard of Corby Castle; and other branches less fortunate in surmounting the adventurous loyalty they displayed.

Rapin has observed that some gratitude to the Howards for the queen his mother's sake, was shewn by James the First, in creating one of them earl of Suffolk; another earl of Northampton;\* restoring another to the earldom of Arundel and Surrey; and in a princely manner exemplified by the grant to the lord Howard of Walden and his wife of all the possessions of her father, the late earl of Dunbar.† Indeed, so favored were the several branches of the family

\* Henry Howard, younger brother of Thomas duke of Norfolk, beheaded in 1572, and uncle of the earls of Arundel and Suffolk. By James the First he was created lord Howard of Marnhill and earl of Northampton.

† In 1604, George Hume, earl of Dunbar, in Scotland, was by his majesty James the First, created lord Hume of Berwick, in the county of Northumberland; with a grant, at the same time, of the seigniorie of Wark, the lordships of Redesdale, Coquedale, and other manors in Northumberland and North Durham. The earl of Dunbar held the appointment of lord Treasurer of Scotland; and after the accession of king James to the crown of England, became Knight of the Garter, and Master of the Wardrobe. He died suddenly at Whitehall, January 29, 1611½, while making splendid preparations for the nuptials of his young heiress to the lord Walden. The contract for the future marriage, under a penalty of six thousand pounds, had been made when the lady Elizabeth was six years old. At the age of twelve she became lady Howard of Walden. The king's grant to the daughter, of lands which had lapsed to the Crown by failure of heirs male of her father, was a graceful acknowledgment of his past services, and of the present claims of the family of her husband.

of Howard, on the accession of the Stuart king to the crown of England, that Sir Anthony Welden has remarked, "all the waters ran to their mills."\*

The fortunes and vicissitudes of Thomas earl of Suffolk, lord Chamberlain, subsequently lord Treasurer, and his "rapacious" countess, Katherine Knevet, of Charlton, are matters of history.† Their eldest son, Theophilus Howard, married to the lady Elizabeth Hume, summoned to parliament, the first year of king James, by the title of his father's barony of Walden, was appointed to the honorable post of Captain of the Band of Gentlemen Pensioners; and, in 1614, the year that his father was appointed lord Treasurer, had the grant of the princely domain referred to by the historian Rapin. The patent, dated the 12th January, conveyed to the lord Howard and his wife, all the possessions of her father, the late earl of Dunbar, in Northumberland and North Durham. They were described "All our manor of Redesdale and our manor and castle of Harbottle, with the lands belonging to each of them; the forest or chase called Whilkwood forest or the forest of the Ridleys; lands or tenements in Otterburne; all of which are parcel of the manor of Redesdale. Also all our manor of Coquedale, with certain demesne lands in Harbottle; also all our park of Harbottle, now or lately parcel of the aforesaid manor of Coquedale; and the mill of Harbottle, with our messuage and lands in Netherton; and our cottage called Bewland in Allentowne; and a parcel of land in Allentowne, called Forster's lands; and two cottages in Allentowne; a parcel of land called Hartshawe;

\* Court and Charact. of King James, 1650, p. 58.

† Rapin, *Hist. Engl.*, v. ii., pp. 169, 181; Carte, v. iv., pp. 47, 48. In the midst of his disgrace; in the Tower,—“barred from the royal presence,” and the light of his majesty’s “judging eyes:”—“Now to add to my miseries,” wrote the earl of Suffolk to king James, “give me leave to let your majesty know the hard estate I am in; for I do owe at this present (I dare avow upon my fidelity to you) little less than £40,000, which I know will make me and mine miserable for ever.”—*Cabala*, p. 331.

with all prerequisites of Court, &c.;" which manors of Redesdale and Coquedale and other the premises mentioned were to be holden by the said lady Elizabeth Howard, her heirs and assigns of the king, as of his manor of East Greenwich, by fealty only, in free and common socage, and not *in capite* or by knights' service; rendering yearly, for the manor of Redesdale, seventy-two pounds, twelve shillings and four pence, four pounds of pepper and one pound of cumin; and for Coquedale, twenty-five pounds, four shillings, and four pence.\*

Whether or not it was owing to embarrassments that are stated to have pressed heavily on the Suffolk family,† some portion of this princely estate appears early to have passed into other hands. The lordship of Plenneller, and the messuage and lands called Plenneller-township; Unthank, Franchelees or Farrashields, &c., the manor and lordship of Haltwistle; and other lands specified, parcel of the grant to the lord Walden in 1614, were conveyed by him, in 1621, to his uncle, William lord Howard of Naworth;‡ and in the Inquisition taken after the decease of the latter, in 1642, these lands were found to be holden of the earl of Suffolk, as of his manor of Wark.§

Theophilus lord Walden became earl of Suffolk on the decease of his father, in 1626. Elizabeth, countess of Suffolk, died at "the Tower, in Greenwich park," in 1633,||

\* Pat. 11 James I., rot. 38.

† In a letter of appeal to king James on behalf of the earl of Suffolk, who had been removed from the Treasurership and prosecuted in the Star Chamber; and the lord Walden, her husband, who had been also removed from his place, the lady Elizabeth wrote: "My lord hath spent in running a-tilt, in masques, and following the Court, above £20,000."—*Cabala*, p. 234.

‡ Hodgson, *Hist. Northumb.*, v. iii., pt. ii., p. 343.

§ Inq. P. M., 22nd April, 18 Car. I.—*Ibid.*, v. ii., pt. ii., p. 381, where the lands are more particularly specified.

|| The manor of East Greenwich was part of the jointure of the queen; and the earl of Suffolk, holding the appointment of Steward, was dispossessed during the interregnum, when the manor was appropriated to the use of the State. On the 9th May, 1660, an order of the Lords directed

the earl her husband, 3rd June, 1640; leaving five daughters and four sons.\* Theophilus earl of Suffolk did not make any will; administration of his personal estate, granted to a creditor, passed the supreme Ecclesiastical Court;† “the family estates,” observes lord Braybrooke, “held probably under strict settlement,” taking the direction of the family entail. The entire presumption of the Earl Marshal’s Secretary, therefore, seems to have no better foundation than the imaginative ingenuity of his own theoretical illusion.

James Howard, eldest son, third earl of Suffolk, was twenty years old when he inherited the family estates; “and it may be well imagined,” observes lord Braybrooke, (from circumstances related) “that he found his affairs in a sadly embarrassed condition, and had great pecuniary difficulties to contend with.”‡ To meet pressing obligations before alluded to, some of the entailed lands that ought to have descended to him, had been sold by his father, of course in the non-age of himself;§ and, to meet his own difficulties, as it seems, in the same year and month that he succeeded to his inheritance, James earl of Suffolk sold and bargained for the sale of the remainder of the lands in Northumberland and North Durham, comprised in the royal grant to his mother, before mentioned. By

that the earl of Suffolk or his assigns shall have the possession of Greenwich park and Lodge forthwith delivered to him until further order of the House.  
—*Lords’ Journ.*, v. xi., p. 20. \* See Additional Notes.—*Appendix*.

† Reg. Cur. Prærog. Cantuar. Thomas, first earl of Suffolk, also died intestate; and in embarrassed circumstances, to a creditor was granted letters of administration of the effects of his “rapacious” countess.—*Lord Braybrooke, Hist. of Audley End*. ‡ *Hist. Audley End*, p. 66.

§ In 1642, a petition of James earl of Suffolk to the Lords in parliament complained that fines and recoveries had been passed in his non-age, of the castle of Framlingham, the manors of Framlingham and Saxted, and other manors settled on the petitioner and his heirs male, with remainders over. The lands in question had been sold by his father, Theophilus earl of Suffolk, the preceding tenant for life, to Sir Robert Hitchen, at the price of fourteen thousand pounds.—*Lords’ Journ.*, v. iv., p. 695; v. vi., pp. 299, 591; v. vii., pp. 358, 492, 493.

deed enrolled in Chancery, dated the 23rd June, 1640, the earl and his trustees, in consideration of one thousand five hundred pounds in hand paid, and five thousand pounds to be paid by Sir William Widdrington, of the county of Northumberland, knight, conveyed to the same, and four trustees mentioned, all those manors of Redesdale, Coquedale, the lordship and castle of Harbottle, with the advowson of Elsden to the said manor of Harbottle appendant, and the forest or chase of Whilkwood or forest of the Riddles, &c. in the same terms, and on the same tenure of the king, as by the original grant to the lady Elizabeth Howard (except all that site of the castle of Harbottle, and the demesne lands, parcel of the said lordships of Redesdale, Harbottle, or Coquedale, or any of them, heretofore bargained and sold by Theophilus late earl of Suffolk deceased, the lady Elizabeth his wife, late countess of Suffolk, also deceased, and the trustees of the said earl.)\* In some other counties, James earl of Suffolk also sold the inheritance of his family. In 1641 Lullworth Castle and the Dorsetshire estates were transferred to the family of Weld;† later, the lands at Haddenham, in the Isle of Ely,‡ by several conveyances bearing date the same day (June 29, 1653), were parceled out among several purchasers;§ and the manor passed to the family of March.||

\* Claus Rot. 16 Car. I. The parties to the deed were James earl of Suffolk and his trustees Sir Edmund Sawyer of Heywood, co. Berks, and Marmaduke Moore, esq.; who conveyed to Sir William Widdrington, of Northumberland, knt., and the following trustees: Robert Napper of London, James Whitehead and John Rolletson of Welbeck, co. Notts, and Christopher Crow of London. See *Hodgson, Hist. Northumberland*, v. i., pt. ii., p. 79, where the deed is imperfectly recited.

† Hutchins, *Hist. Dorset*, v. i., p. 225.

‡ See Proofs, &c., Ext. 1.—*Appendix*. There was an order of the House 16th May, 1643, for quieting the earl of Suffolk in possession of his grounds in the Isle of Ely, in which he had been disturbed by the disorderly people there.—*Lords' Journ*, v. vi., p. 48.

§ Abstract of the rev. William Cole's title deeds.—*Addit. MS.* 5810, p. 200. *B. M. Lib.*

|| Layer's MS.—*Lysons, Hist. Camb.* "Hall's Manor, in Haddenham,"

Besides the heir of his house, Thomas earl of Suffolk had seven sons. The second, Sir Thomas Howard, Master of the Horse to Charles, prince of Wales, was by king James created lord Howard of Charlton and viscount Andover; by Charles the First, he was installed knight of the Garter, and advanced to the earldom of Berkshire. In the troubles that followed the contest for prerogative and power, the earl suffered greatly for "wishing well to the king;" in fact, he was made prisoner with his friends in Oxfordshire, when about to put in execution the king's commission of array at Wattleton; but he survived imprisonment, and confiscation of his estate, to receive from the restored monarch some compensation for his sufferings; and died at a good old age by an accident,\* when his stoutness of heart gave promise of completing a centenary existence. The earl had nine sons,†—all involved—some

writes the rev. William Cole, "which descended to me from my father, I sold in 1771, it having been drowned fourteen or fifteen years, and I could get no rent, yet paid the taxes."—*Addit. MS.* 5819, p. 87. *B. M. Lib.*

\* July 13, 1669, ætat. 90 or thereabouts.—*Addit. to Dugdale.* "You do not mention," writes Anthony-à-Wood, "his great sufferings in the king's cause; his going poor and bare all the broken times; and had it not been for his *ribbon*, would have been very despicable, beholden to a friend for a pint of sack or a meal's meat."—*Harl. MS.* 1056, fo. 15.

† Sir Charles Howard, K.B., eldest son of the earl of Berkshire, summoned to parliament, *vitâ patris*, as lord Howard of Charlton; by that title and earl of Andover has already been mentioned in these pages. He was early involved in the contest between king and parliament; and for his action on behalf of the former, his life interest in the family inheritance was sequestered, and compounded for at £500.—*Parl. Hist.*, v. xi., pp. 183, 205, 209; *Dring, List of Compounders*, 1655. Lord Andover succeeded his father in the earldom of Berkshire; and died, in 1679, in the hospital *La Charité*, at Paris, where, in the grave-yard attached, he lies interred.—*Egert. MS.* 1075. Colonel Henry Howard, of Revesby, co. Linc., third son, the gallant defender of Malmesbury, was one of the most valiant officers of the king's service.—*Lord Somers' Tracts*, v. v., p. 348. Sir Robert Howard of Vastorm, (*al.* Wotton) co. Wilts, fifth son, Lieut.-Colonel of Horse, was knighted on the field, near Newbury, on Saturday, 29th June, 1644, "for the gallant stand he made against the rebels who came over the fosse," (near Cropredy Bridge,) and attempted to attack the king's

conspicuously, in the troubles of the time; and his progeny, succeeding the elder branch, continue to represent the honors of the House of Suffolk.

Mr. Henry Howard, third son, of Tolesbury, Essex, born in 1592, was too short-lived to become a courtier of fortune or of sufferance. He is mentioned in the year 1613, with three of his brothers, masquers in the revels at Caversham House, on the occasion of her majesty's visit to the lord Knollys.\* Sir Henry Wotton, the same year, mentions his essay at the Tilt, in company with his two elder brothers, the lord Walden and Sir Thomas Howard, when unfortunately "the day fell out wet to the disgrace of many fine plumes."† The valour of Mr. Henry Howard, however, was unimpeachable; it was in the same year, 1613, that he challenged to mortal combat his brother-in-law, the earl of Essex, in maintenance of the somewhat damaged honor

force *en arriere*.—*Symonds' Diary, Add. MS. 17062. B. M. Lib.* Capt. Philip Howard, the earl's youngest son, after much useful service, is identified with the restoration as the bearer of dispatches from the Lords' Commissioners at the Hague; for which he received the thanks of the House of Peers.—*Kennett, Reg. & Chron.*, 156. Nor was the active loyalty of the family confined to the sons. 1659, July 30; on the discovery of the "Cavalier plot," the Council of State ordered the lady Mary Howard to be apprehended and brought to trial on a charge of high treason, implicated in the conveyance of letters of news to "the enemy."—*Comm. Journ.*, v. vii., p. 741. Whitelock, on the same day, records the examination of the lady Mary Howard, the earl of Berkshire's daughter, and others, by himself, as President of the Council; and the result.—*Memorials*, p. 681. The president, who neglected the advice to set his house in order, and hasten over to the king with the Great Seal, observes: "September 14th. Some service was done for the lady Mary Howard at the Council; which was ill-requited by her and her father afterwards."—*Ibid.* Her enlargement was probably the service ill-requited. On the same day it was referred to a Committee to consider "how the lady Mary Howard may be brought to a speedy trial; or to bail her if they see cause."—*Comm. Journ.*, v. vii., p. 778.

\* Nichols, *Progr. of James the First*, v. ii., p. 629. The lady Knollys was the eldest daughter of the earl of Suffolk, married to the lord Knollys of Greys, Treasurer of the Household; afterwards earl of Banbury.

† Letter to Sir Edmund Bacon, dated the last of March, 1613.—*Reliq. Wotton.*, p. 405.

of his sister, the lady Frances, countess of Essex, whose divorce case was then under consideration of the Ecclesiastical Court. "They appointed to meet at Calais," writes a correspondent of the day, "and went both forth several ways for that purpose; but the lords hearing of it, dispatched divers after to stay them; and Mr. Howard is found and prevented; but of my lord Essex there is no news." A letter from Nicholas Charles, Lancaster Herald, to Sir Robert Cotton, dated "from my house in Coleman-street, 10th September, 1613,"\* relates the same public rumour; and Mr. Chamberlain on the previous day had written to Sir Dudley Carleton that "the earl of Essex had challenged Mr. Howard for certain disgraceful speeches of him."† The duel was to have taken place "next month," near Gravelines; and at the desire of the earl of Northampton, lord Privy Seal, instructions were sent to request the Governor of that town, to arrest the parties, and keep them safely under guard.‡

Mr. Henry Howard married the heiress of William Basset, of Blore, co. Stafford, esq., and it is stated that he received a considerable accession of property from his great uncle, the earl of Northampton.|| Sir Henry Wotton, relating the death of the earl and the gossip of the Court, mentions the bequest of "three or four hundred a year, which the earl had assured his great nephew at the time of his marriage; but not to enjoy a penny thereof this eight year, all which time the earl intendeth the fruits of his estate shall be collected and distributed in legacies and

\* Ellis, Orig. Lett., 2nd Ser., v. iii., p. 234.

† Court and Times of James the First, v. i., p. 272.

‡ Add. MS. 12,514, fo. 140. B. M. Lib. From this document is obtained a personal description of the future parliamentary General. The earl of Essex is described "A gentlemen of a middle stature and slender, with black hair but no beard; and his face somewhat disfigured with the small-pox: about the age of two or three and twenty. Mr. Howard about the same stature and age; his hair and beard of an auburn colour." They were of the same age, born in 1592. || Lord Braybrooke, Hist. Audley End.

pious uses according to his will;\* before which period arrived the devisee had returned to dust; and his widow had given her hand to another lord.† The line of Mr. Henry Howard terminated, it is said, in an only daughter,‡ Elizabeth, wife of Sir John Harpur of Swarkston, county of Derby; a loyal knight who paid four thousand pounds composition for his estate, forfeit for his support of royalty in distress.§

Sir Charles Howard, fourth son of the first earl of Suffolk, described of Clun Castle, co. Shropshire, married a Devonshire heiress, daughter of Sir John Fitz, of Fitzford, twice a widow, when her beauty and her fortune attracted the knightly Howard.|| The issue of this marriage appear

\* Letter to Sir Edmund Bacon.—*Reliq. Wotton.*, p. 436. The family disposition of his estates (and the foundation of his charities, unfinished at his death), were made by deed of settlement, and not by will. By the latter, four years were allowed for the payment of pecuniary legacies; the only one of importance being £3000 to his nephew, lord William Howard; unless “one hundred jacobines, of the value of twenty-two shillings each, in a gold cup of one hundred guineas, with the inscription *Detur Dignissimo*,”—to the king, be so estimated.—*Reg. Cur. Prærog. Cant.*, an. 1614.

† Circa 1618, the widow of Mr. Henry Howard became the first wife of Sir William Cavendish, K.B., created marquess of Newcastle; “the soul of the royal cause in the north,” until the rout of his forces at Marston Moor concluded his military action; and left nothing but the immensity of his pecuniary losses to mark his sacrifice for the support of the throne. The heiress of Basset, of Blore, it is stated, inherited a yearly revenue of £2400; with a jointure for life of £800 per annum; and possessed six or seven thousand pounds in money, at the time of her second marriage. She died in 1643.—*Life of Will. duke of Newcastle, by Marg. Cavendish*, fol. 1667.

‡ Mr. Henry Howard of Corby says they had a son named James, who died young.—*Fam. Mem.*

§ Dring, List of Compounders, 1655.

|| She was afterwards married to Sir Richard Greneville, younger brother of Sir Bevil Greneville, of Kilkhampton. Clarendon describes her a rich widow, who had been a lady of extraordinary beauty, which she had not outlived. She had no great dower, he adds, by her husband, (a younger brother of the earl of Suffolk,) yet she inherited a fair fortune of her own near Plymouth; and was, besides, very rich in personal estate; so that she was looked upon as the richest match in the west.—*Hist. Rebell.*, v. ii., p. ii., p. 534. The marriage with Greneville had been promoted by the

to have been two daughters, Elizabeth, born in 1613, and Maria, in 1617. Sir Charles died abroad; and administration of his effects was granted to his next brother, Sir Robert Howard, June 21st, 1626.†

Sir Edward Howard, youngest son of the earl of Suffolk, had an appointment in the prince's household; and, "by reason he did possess that lordship of his mother's inheritance," was advanced by king Charles the First to the dignity of a baron, by the title of lord Howard of Escrick, in the county of York.‡ He married Mary, one of the coheirs of

duke of Buckingham, to conciliate a valiant soldier and enthusiastic royalist: it proved unhappy to the lady, disastrous to the baronet.—*Ibid.* Disappointed at finding her property secured from his control, and that the Court of Chancery gave him no relief, he revenged himself not only on the lady, his wife, but on her trustee, the earl of Suffolk; which brought on him proceedings in the Star Chamber, imprisonment in the Fleet, and a fine of four thousand pounds to the offended peer.—*Rushworth, Hist. Coll., Pt. ii., App., p. 43.* Greneville quitted wife and country in disgust; and the heiress of Fitzford became again a widow. If she reciprocated the unhappy sentiments of her latest lord, her affectionate remembrance of her previous husband was not displayed in a remarkable manner to his issue. Lady Greneville deceased in 1671. On the 10th November, in that year, letters of administration of her estate were granted to her daughter, Maria Vernon, wife of Robert Vernon of Wheatecroft, co. Chester, and Camberwell, Surrey (*See Visit. Surrey, 1662*). But the grant was revoked shortly afterwards; and on the 22nd May following, a will was proved, dated 14th October, 1671, by which her daughters, Elizabeth and Maria, became entitled respectively to legacies of £1000 and £500, conditionally upon strict submission to her will by themselves and their husbands, *if married*. The residue she bequeathed to her kinsman, Sir William Courtenay. And by a deed (referred to) bearing date the day previous to that of her will, she settled the whole of her estates in Devon, Cornwall, Surrey and Kent, on Sir William Courtenay aforesaid.—*Reg. Cur. Prærog. Cant.* † *Id. Reg.*

‡ It is remarkable that lord Braybrooke should have run into the same error committed by Mr. Charles Howard of Greystoke (*ante, p. 374*). "The infamous conduct of Edward lord Howard of Escrick," writes the historian of Audley End, "upon the trial of lord William Russell, is too notorious to require any comment." The genealogian Banks, however, had preceded lord Braybrooke in the same blunder.—*Dorm. and Ext. Baronage, v. iii., p. 379.* See also *Godwin, Hist. Commonwealth, v. iii., p. 341.* It was lord Edward's second son, William lord Howard, who earned for himself the reprobation of posterity by his errors and his crimes.

John lord Butler, of Bramfield and his wife Elizabeth Villiers, sister of George duke of Buckingham; by whom he had a daughter, Anne,—less charmed with philosophy\* than stricken with adventure in arms, who married Charles Howard of Naworth, afterwards earl of Carlisle; and four sons, who distinguished themselves as their genius, their fortune, or their example guided them.† Lord Clarendon, as the prelude to his future career, observes: “The lord

\* The hon. Robert Boyle, of Stalbridge, co. Dorset, younger brother of the lord Broghill, who married Margaret Howard, daughter of the second earl of Suffolk. The “great earl of Cork,” father of these celebrated men, bequeathed “to Mrs. Anne Howard, daughter of the lord Edward Howard, my silver cistern, weighing 680 ounces; my silver bottle or pot, weighing 162 ounces; and my silver ladle, weighing 27 ounces; (which three pieces I bought of Sir Thomas Jermy, the younger, for £274 18s. 6d.; besides engraving my arms thereon;)—in case she be married to my son Robert.—*Lodge, Peerage of Ireland, v. i., p. 169.*

† Edward Howard, the youngest son, went abroad in the time of the troubles, and was slain before Dunkirk. Thomas Howard, eldest son, in 1675, became second lord Howard of Escrick; and, having the command of a regiment of foot sent into Flanders to the assistance of the Spaniards, died without issue, at Bruges, in August, 1678; but his body was brought home and buried at St. Martin-in-the-Fields, in the suburbs of London.—*Egert. MS. 1075; Dugdale, MS. Addit.* Capt. Cecil Howard, third son, sometime an officer in the service of the parliament, joined Col. Massey, (who preceded Charles the Second in his march from Scotland,) with a troop of one hundred horse; and was knighted for the service.—*Phillips, 686; Echard, ii., 708.* Thomas lord Wentworth, writing to his relative, William Crofts, from Penrith, August 8, 1651, says: “We are marching forward; and this morning Mr. Howard, whom the king knighted, *is come over with his whole troop.* We have very good hopes that others will follow.”—*Parl. Hist., v. xx., p. 4.* The disaster at Worcester destroyed the hopes of the king’s success, and suddenly closed the campaign; but Sir Cecil was afterwards intimately associated with the intrigues of the royalists to promote the restoration. William Howard, second son, married Frances, daughter of Sir James Bridgman, of Castle Bromwich, co. Warwick, brother of Sir Orlando Bridgman, keeper of the Great Seal. He succeeded his elder brother, Thomas, in 1678, as third lord Howard of Escrick; and was that “vile detestable evidence” against lord William Russell, Colonel Sydney, and others;—demerits commonly added to his father’s misdeeds. His history, however, is too remarkable to be dismissed with the odium of his later actions, and is referred to the *Additional Notes.*

Howard of Escrick, a younger son of the House of Suffolk, in the time of the duke of Buckingham, married a niece of his; and having his whole dependence upon him, and being absolutely governed by him, was by him made a baron; but that dependence being at an end; his wife dead; and he without any virtue to promote himself; withdrew himself from following the Court; and shortly after, from wishing it well; and had now delivered himself up, body and soul, to be disposed of by that party most averse and obnoxious to the Court and the Government.”\* In other words, the lord Howard of Escrick was one of the “popular men” of the day; following in the wake of Fiennes and Hampden;† names that have survived the odium of factious strife. In the early part of the troubles, lord Edward Howard was appointed one of the Committee to attend (or “be a spy upon”‡) his majesty in Scotland;§ he was one of the Commissioners appointed by parliament to treat with the Commissioners of Scotland later in the same year;|| he was also one of the “Yorkshire Committee;”¶ and perhaps his instructions and official correspondence will go far to warrant the strictures of the historian of the great Rebellion;\*\*\* but he acquitted himself to the satisfaction of the party he represented, and received the thanks of the House for his services performed.†† This course of policy, however, laid him open to the reprisal of the royalists, who, until the disaster at Marston Moor were in force in Yorkshire; and the lord Howard is next heard of as a petitioner for compensation for losses sustained from the cavaliers.‡‡ The Lords agreed “that the lord Howard had deserved well of this kingdom;” and desired the concurrence of the Commons to a proposition

\* Hist. Rebellion, v. i., p. ii., p. 297.

† Ibid., pp. 155, 282.

‡ Clarendon.—*Ibid.*, p. 297.

§ Parl. Hist., v. ix., p. 480.

|| Ibid., v. x., p. 94.

¶ Ibid., p. 493.

\*\*\* Ibid., v. x. xi.

†† Lords' Journ., v. iv., p. 452.

‡‡ Whitelock, Mem., p. 80.

for settling upon him one thousand five hundred pounds per annum out of certain delinquents' estates.\* Ever jealous of their prerogative of the purse, the Commons desired a conference with the Lords upon "this business;" and to meet the proposition in a conciliatory spirit least objectionable to the commonalty of the parliament, decreed that William lord Craven be assessed for his twentieth part;† and thereout the Commissioners at Haberdashers' Hall do allow and pay the lord Edward Howard fifty pounds per week.‡ "The first precedent herein of a lord," quoth Whitelock.§ Orders of parliament, however, were not always of the value of accomplished facts; and in the following year the lord Howard was again a petitioner for compensation. If the Commons had been slow to concur with the Lords in the money estimate of the value of the petitioner's claims, the resolution they adopted seems a fitting award. A postponed grant of five thousand pounds out of the waifs of the sea, "towards the reparation of great losses sustained by the lord Howard of Escrick, for his faithful attendance and services in parliament, and for his personal support;" was the award of the Commonwealth of England to those urgent and pressing demands.||

\* Feb. 24th, 1643.—*Comm. Journ.*, v. iii., p. 107.

† William lord Craven, of Hempsted Marshal, co. Berks, a soldier of capacity and experience in the service of the Netherlands,—as a known royalist, suffered for his sympathy with the cause rather than any personal action in the rebellion against the parliament; since he was absent beyond seas when the king assembled his friends at Oxford, in 1643. After the close of the war, in 1637, lord Craven devoted himself to the service of the unfortunate "queen of Hearts"—and Bohemia; and in the misfortunes of her brother of England, his revenues were devoted to the general assistance of her family; ample reasons for the confiscation of his estates by the parliament. It was at Caversham House, lord Craven's, near Reading, the unfortunate Charles was quartered several days, when "attended by the motion of the parliament army;" and thither, to his infinite contentment and joy, his children were permitted to pay him a visit.—*Clarendon, Hist. Rebellion*, v. iii., p. 57.

‡ *Comm. Journ.*, v. iii., p. 425.

§ *Mem.*, p. 84.

|| Oct. 12, 1644. Resolved, that £5000, arising and accruing from the

If current reports were true, the necessities of lord Howard had been urgent beyond endurance, and his alternative unscrupulous; for it had been personally charged against him "that his lordship hath pawned his honor."\* Symon Spratt, a subaltern in the forces in Kent, was brought before the House for a breach of the privilege of parliament,—exemption from scandal being one of them; and the delinquent was committed to Newgate; but the obduracy of the man was incorrigible; two or three adjournments had taken place, when he aggravated his offence, and was re-committed "for having spoken scandalous words of the parliament;" and after six months detention, without more ado, acting on the wise suggestion of master Dogberry, to be quit of arrant knaves, Symon Spratt was released;† and the parliament proceeded to the consideration of lord Howard's claims. The surplus revenue from the depths of the ocean, perhaps, was not a productive source of compensation; and in the following year, urged by the Lords, a resolution was passed: "that the lord Howard of Escrick shall have bestowed upon him the benefit of the two next assessments of the twentieth parts, as shall come in to the Committee of Haberdashers' Hall, *by the discovery of his lordship to the said Committee.*"‡ Did lord Howard propose to himself the honor of becoming informer? Hopkins the witch finder, never scented criminal for conviction with readier certainty than the lord Howard of Escrick a case for the Commissioners for Sequestrations. Nay, it is more than likely he had two cases

revenues reserved to the State upon all such ships' lading and cannon as shall be gained out of the seas and rivers of this kingdom by Dominique Pettit and his associates, by virtue of an ordinance of August 26th, 1643 (next after the £1000 formerly granted out of the said gained ships' lading and cannon, &c. unto René Augier, esq.), shall be conferred upon the said lord Edward Howard.—*Comm. Journ.*, v. iii., p. 660.

\* Aug. 21st, 1643.—*Lords' Journ.*, v. vi., p. 193.

† Ibid., pp. 195, 203, 217, 278, 283, 428.

‡ June 2nd, 1645.—*Comm. Journ.*, v. iv., p. 159.

in his mind's eye at the moment when he obtained the ordinance of parliament to decree to himself the advantages of conviction. Indeed, his resources appear to have been threefold.

Mr. Endymion Porter had been too long a courtier to be other than "of evil fame and disaffection" to the ruling spirit of the nation; and, besides his own delinquency,\* he had a son who joined the king's army, and was slain in the field; but the lord Dunsmore, "of a rough and tempestuous nature,—having some kind of power over froward and discontented men, with the credit at least of making them more indisposed"†—had hitherto escaped collision with the dominant power, when the course of events at this moment brought him into the custody of the black rod. His petition for release and the result, give the impression how little had been the cause for the aggravated suspicion of disaffection renewed against him. The lord Dunsmore was discharged from custody on the simple condition that he should remain at his house at Abbscourte, in the county of Surrey, on his parole.‡ The lord Dunsmore, nevertheless, was a delinquent; he had been a Privy Counsellor of the king in his power; he had attended his majesty's summons to parliament, at Oxford, in 1643: but the renewed agitation of his misdeeds originated in the fact that himself and Endymion Porter had the custody, under authority of the Court of Wards formerly granted to them, of the person of the lord Boteler. The disqualification of these two guardians was now mooted in the upper house of parliament; and a message sent to the Commons, in which they concurred, proposed that Edward lord Howard of Escrick should have the custody and estate of the lord Boteler, an idiot, in place of the delinquents named.§ The

\* Comm. Journ., v. ii., p. 594.

† Clarendon, Hist. Rebell., v. ii., p. 203.

‡ Lords' Journ., v. viii., pp. 450, 616.

§ Comm. Journ., v. iv., pp. 704, 713, 715. Sir John Butler, created lord

new guardian, however, had short benefit of his appointment: the lord Boteler deceased in the following year; and one-sixth part of his estate became the inheritance of the heirs of Mary Butler, late wife of Edward lord Howard of Escrick.

Another source of benefit to himself,—a new way to pay old debts, or of working the law of confiscation for the acquittance of legal obligations,—was shortly after propounded to parliament, in the humble petition of Edward lord Howard of Escrick, “for granting to him a debt due by himself to Mr. George Mynne, a delinquent; praying that Mr. Mynne may be required to deliver up to the said *earl*,\* the sureties and conveyance whereby the said *earl*’s\* estate is mortgaged; and that Mr. Mynne may release his right therein.” The proposition, however, does not appear to have met with the sympathy of the House; for the record concludes: “and nothing was done upon it.”† The mutual sensibilities of the two Houses were little in accord, especially in matters wherein one—and that the lower—claimed prerogative: the Lords, who had so far conceded to popular opinion as to abandon the king, might sometimes be exacting; the Commons repellent; sure

Butler of Bramfield, co. Herts, by Charles the First, in 1628, had six sons, one of whom only survived;—and he an idiot. Of six daughters, the eldest, Audrey, became wife of Sir Francis Leigh, created baron Dunsmore; afterwards earl of Chichester; the fourth, Oliviera, married Endymion Porter, gentleman of the Bedchamber to the Prince of Wales. Mary, fifth daughter, was wife of Edward lord Howard, also of the Prince’s household. The first lord Butler died in 1637: his son, in 1647; when the inheritance became divisible among the coheïresses; and by purchase, Bramfield passed to George Villiers, viscount Grandison, son of Sir Edward Villiers and the lady Frances Howard.

\* Sic. Among the honors and grants voted to themselves by parliament, and to be confirmed by the king as the conditions for a peace, Dec. 1, 1645, the lord Howard of Escrick was advanced to an earldom.—*Whitelock, Memorials*, p. 182. The resolution came to nought; and the attribute of the advanced honor a year afterwards in the Journal of the House, remains a curious memorial of the unaccomplished proposition.

† Jan. 6th, 1644—*Comm. Journ.*, v. v., p. 43.

elements of discord and collision. At this time the claims of the petitioner were, or were made to appear, so urgent, that a message from the Lords shortly after revived to the memory of the Commons, among a long list of dropped propositions, "a petition of the lord Howard of Escrigge, which they, in an especial manner, recommended to the consideration of the House."\* As nothing further is recorded, the recommendation probably met with no successful result. But his lordship had another petition—before the Lords—in which he was more fortunate. This appeal represented, as matter of judicial right, "that he, standing engaged for several especial debts of his brother, the earl of Berkshire, prayed that he might have possession of his brother's goods for his own indemnity."† The case appears to have been made a struggle for authority between the upper House and the lesser powers of the law; it assumed the preference of a specialty creditor over debts on simple contract; but no evidence of the fact is found on record; and whether for the understood protection of the earl of Berkshire or the aggrandizement of his brother, the petitioner, is not very apparent. A statement of the countess of Berkshire, by her affidavit, was read to the House; the lord Howard of Escrick gave his declaration of the case; and an order was made, that the earl of Berkshire's goods shall not be taken from either of his houses.‡ Nevertheless, the goods were removed; and upon complaint, the lord Howard was empowered to search for and seize the goods to his own use:§ further, that the money arising from sale of the said goods should be paid to the lord Howard.|| In the result, the hapless condition of the unfortunate earl, when released from the Tower, "all the broken times," elsewhere described,¶ may be realized to the imagination. The royalist earl, a pitiable object,

\* Comm. Journ., v. v., p. 111.

† Lords' Journ., v. viii., p. 473.

‡ Ibid., p. 474.

§ Ibid., pp. 481, 482.

|| Ibid., p. 491.

¶ Ante, p. 507.

indebted to charity for a meal's meat or a pint of sack ; while his brother Escrick, who stood " himself alone," like Gloucester, wanting the godlike virtues that greybeards call divine, went with the tide, and floated on the surface. Undismayed by rebuke ; unmoved by defeat ; alive to opportunity ; and commanding by some secret influence of character the goodwill of his associate peers, whom he regarded only for his purpose, the lord Howard of Escrick continued his claims not only to provision from the revenues of the State, but to exemption from the liabilities of a citizen of the Commonwealth he had assisted to call to power.\* The Lords' Journals recite that " A report from the Committee of Revenue recommends that the keepership of Hyde Park should be conferred on the lord Howard of Escrick." The proposition was agreed to, and sent to the House of Commons for concurrence.† But the interests were conflicting and powerful. The earl of Warwick desired to be heard by counsel " to prove his right:" an original grant was produced, which claimed respect ; and in the end their lordships thought fit " to revoke their former recommendation touching the lord Howard ; and desired that the earl of Warwick might have the appointment."‡ The Commons concurred therein ; and their lordships softened the disappointment with a memorandum that " remuneration to lord Howard shall be considered of."§ There was, however, little time left to them for consideration : the action of the Lords was limited to days : the " first year of freedom, by God's blessing," was near at hand : the Commons of England in parliament declared themselves the supreme power of the nation ; and Ludlow writes that " Escrick and the earl of Salisbury signed an engagement to be true and faithful to the Commons and

\* Lord Howard of Escrick having been assessed in Yorkshire for arms, &c., an order was made directing reparation to his lordship by the Committee who had caused the assessment.—*Lords' Journ.*, v. x., p. 405.

† *Ibid.*, p. 392.

‡ *Ibid.*, p. 521.

§ *Ibid.*, p. 524.

an establishment without a king and House of Lords; and took their seats by virtue of an election from the people.”\* On the 5th May, 1649, a resolution of the parliament declared, “that Edward lord Howard being newly chosen and returned a burgess or citizen for the city of Carlisle, be now admitted into the House as a member of this House upon that new election.”† His lordship entered on his duties apparently, in full determination to make the most of his new position, and take a prominent part in the affairs of the Commonwealth: his ready adaptation to circumstances was met by his new colleagues in a spirit of conciliation that seemed desirous of shewing him respect and availing themselves of his natural parts, with the advantage to be derived from the amalgamation of rank with the popular cause. Whitelock notices that “for an honor” the earls of Pembroke and Salisbury, and the lord Howard of Escrick, were declared to be members of all Committees of which they were before the House of Lords was dissolved.‡ The lord Howard had also been appointed one of the Commissioners of the great Seal; and in that capacity attended the lord General to the great feast at Grocers’ Hall.§ Nor, amid the performance of his public duties, had the lord Howard forgotten his private interests. In the few months that had transpired under the new order of things, he obtained from the Commissioners for compounding with delinquents, a lease of Wallingford House for a term of years, at the rental of one hundred and twenty pounds per annum; which he appears to have underlet to

\* *Mem.*, v. i., p. 293. The engagement, in fact, was the oath required of each member on taking his seat. The earl of Salisbury sat for Lynn: another peer, the earl of Pembroke, represented the shire of Berks. “These three lords,” wrote the parliamentary historians, “were all of the whole peerage, who so far bowed the knee to the Commonwealth.”—*Parl. Hist.*, v. xix., p. 107. William earl of Salisbury was married to a sister of the lord Edward Howard.

† *Comm. Journ.*, v. vi., p. 201. ‡ 1649, Sept. 18.—*Mem.*, p. 426.

§ June 7th, 1649.—*Whitelock, Mem.*, p. 406.

the earl of Rutland;\* and became the subject of some inquiry when he reaped the whirlwind that he had been industriously sowing in accumulating storms along his path.

The Journals are not explicit; and the little storms are only seen in their accumulated gathering to the wrack. Ludlow however, relates, that the lord Howard, being a member of the parliament and one of the Commissioners of Haberdashers' Hall, "for a consideration," had misused his power to excuse delinquents from sequestration, and easing them in their compositions. A diamond hat-band, valued at eight hundred pounds, received from Mr. Compton, of Sussex, had filled the measure of iniquity; and with other cases coming to the knowledge of Major-General Harrison, "a man of severe principles and zealous for justice, especially against such as betrayed the public trust,—'loving justice before all other things; looking upon it to be the honor of parliament and the image of God upon them;' very desirous also that the lord Howard should clear himself of the accusation;—he durst not refuse to lay the matter before the House."† A committee of enquiry was appointed; and on the 18th September, 1650, it was ordered that "the powers formerly given to the Committee heretofore appointed, touching bribery, be settled on the Committee to whom the informations against the lord Howard is referred."‡ The inquiry proceeded to great length, and was conducted with becoming gravity; the witnesses examined were numerous. Lord Howard petitioned that two witnesses might be examined in his defence.§ They were heard. On the 20th June, 1651, the Committee presented their report on the evidence,|| and debate followed. On the 24th June the debate was resumed.¶ It was continued on the following day; and the House came to a resolution:

\* Comm. Journ., v. vi., pp. 201, 448. † Mem., v. i., p. 334.

‡ Comm. Journ., v. vi., p. 469.

§ May 6th, 1651.—*Ibid.*, p. 570.

|| Comm. Journ., v. vi., p. 580.

¶ *Ibid.*, p. 591.

"That upon consideration of the several charges against lord Edward Howard of Escrick, and the proofs reported, and his answer and defence thereupon, the parliament doth upon the whole matter declare and adjudge, that the said Edward lord Howard is guilty of bribery." The following resolutions were then passed :—

"That Edward lord Howard be discharged from being a member of this parliament, and for ever disabled to sit in any parliament; and from bearing any office or place of trust in this Commonwealth; further, that he be fined ten thousand pounds; and that he be committed to the Tower during the pleasure of parliament.

"That Edward lord Howard of Escrick do attend at the bar of this House, and upon his knee there receive this judgment."\*

In August, upon representations supported by medical certificate, lord Howard obtained release from durance;† and in the following year, upon his humble petition, when it was plain that neither justice nor revenge could inflict a penalty it was impossible to exact,‡ the House resolved that the fine of ten thousand pounds imposed on him by judgment of parliament be discharged.§

The lord Edward Howard then sank into insignificance. Despised by the party he had selected for political associates: scarcely admissible to the society of his order and the social rank he had abandoned;—severed by every tie from the cavaliers whose cause he could neither serve with his influence nor adorn with his virtues, the lord Howard passed the remainder of the interregnum in a state of unenvied obscurity. If, towards the close of the protectorate, in the desperation of expiring factions, he was cast into prison as a suspected royalist, it was a compliment ill-merited by past events of earlier or recent date. At the

\* June 25th, 1651.—*Comm. Journ.*, v. vi., p. 591.

† *Ibid.*, p. 618.

‡ *Ibid.*, p. 622.

§ *Ibid.*, v. vii., p. 274.

restoration he could scarcely venture to approach the king with congratulations on his success; but he had done nothing to exclude him from the act of grace and favor that accompanied the assumption of regal power by Charles the Second, and he received his writ of summons to the upper House of parliament in due course.\* In 1675 the lord Howard completed the number of his days; and in the church of the Savoy repose his dust.

Sir Robert and Sir William Howard, sons of Thomas earl of Suffolk, fifth and sixth in the family pedigree, are only noticed by the authorities as having been created knights of the Bath, November 4th, 1616, when prince Charles received investiture of the principality of Wales.† “They are barely mentioned in the peerages,” observes the antiquary John Nichols, “and probably died young.”‡ Mr. Henry Howard of Corby, adopting the curt notice of them by the heraldic authorities, observes, he had “discovered nothing further.”§ Sir John Howard, seventh son, created K.B. with his elder brethren, is stated to have died without issue.|| Mr. Henry Howard of Corby, says he died “in infancy.”¶

To the brief notice of the Heralds, it may be added that Sir William Howard, born *circa* 1600, took his description from the manor of Tolesbury, in Essex,\*\* and held an appointment at Court, which he lost, as it seems, by the appearance of a wavering or independent policy, in a moment of trial that disturbed the confidence of the royalist party without gaining the good will of the opposite faction; for the amount of composition for his estate, penalty for his adherence to the royal interest, is placed at nine hundred

\* Anno 13 Car. II. Brevia dirigunter, &c. (int. al.) Edr'o Howard de Escrick Chr'.—*Pettus, Const. of Parl.*, 1680.

† Anstis, Order of the Bath.

‡ Prog. of James I., v. iii., p. 220.

§ Family Memorials, fol., 1836.

|| Egert. MS. 1075.

¶ “Lilly's Stemma.”—*Family Memorials*, fol., 1836.

\*\* Dring, List of Compounders; Morant, Hist. Essex, v. i., p. 402.

and twenty-eight pounds.\* Some notices on the Journals of Parliament refer to his offence, and the money value of his delinquency at the time assessed. On the 5th May, 1646, a message from the Lords to the Commons intimated that Sir William Howard having paid £250 for the moiety of his fine for delinquency, and is to pay £250 more; this House thinks fit to remit the same in regard he hath lost his place of Lieutenant of the Pensioners, worth £300 per annum, given to Mr. Villiers; and was looked upon by the king's party as a person that adhered to the parliament: out of these respects, concurrence was desired that the said £250 be remitted.† The Commons did not concur; and on the 5th June it was resolved, "that this House do accept of £500 of Sir William Howard, K.B., for his delinquency; his offence being residing at Oxford; and his estate £168 per annum in fee."‡

The following years of Sir William Howard have not been clearly deciphered from the entangled history of a troubled time; but he was one of the "Gentry in and around London who, in 1660, declared their adherence to the late king; and their desire for the restoration of the monarchy."§ And so far from the brief career described by the genealogical authorities, Sir William Howard lived to a good old age, and died in 1672.||

Sir Robert Howard, fifth son of Thomas earl of Suffolk, was born in 1598, and is described of Clun Castle, in Shropshire;¶ a manor he appears to have inherited, as heir of entail under the settlement of his great uncle, the earl of Northampton. From the 21st of James the First (1623), till the 16th year of his successor (1640), Sir Robert Howard represented Bishop's Castle in parliament; but in 1642 was expelled the House for executing the king's com-

\* Dring, List of Compounders, 1655. † Lords' Journ., v. ix., p. 57.

‡ Comm. Journ., v. iv., p. 569. § Baker, Chron., ed. 1679, p. 701.

|| Test. in Reg. Cur. Prærog. Cantuar.

¶ Harl. Miscell., v. vi., p. 424.

mission of array.\* In the following year he attended his majesty's summons to the parliament at Oxford; and displayed his active loyalty in the command of a regiment of dragoons in the royal army;† which further brought him under the ban of the successful power, and reduced him to a composition of nine hundred and fifty-two pounds penalty for the redemption of his estate from sequestration.‡ In 1651, an act of the Commonwealth was passed for the sale of certain lands in Shropshire, "for the payment of his fine and debts;"§ and there were several orders of the House for delay in payment of the fine to the Commissioners for Sequestrations, until the act should be passed;|| which met with some delay on account of special circumstances—the lands being entailed; and on the 7th June it was ordered, "That the case of Sir Robert Howard be referred to the Committee touching infants, in special cases, to be enabled to suffer common recoveries."¶ Several Committees sat on the bill before it was passed;\*\* yet in the following year it was ordered, "That Mr. Nevill do bring in a bill to amend the mistakes in the act for Sir Robert Howard."†† After the restoration the whole matter became the subject of reconsideration in parliament. On the 3rd July, 1663, a bill was brought up from the Commons, "to confirm the sale of certain lands lying in Shropshire, made by Sir Robert Howard to raise money to pay his debts."‡‡ The second reading of this bill, on the 7th July, was met by a petition of dame Katharine Howard, relict of Sir Robert Howard, deceased, and guardian of Henry Howard, esq., his son and heir, an

\* Parl. Hist., v. xii., p. 4.

† Otteleiana.—Collect. Topog. et Genealog., v. vii., p. 107.

‡ Dring, List of Compounders, 1655.

§ Comm. Journ., v. vii., p. 4.

|| Ibid., v. vi., p. 598; v. vii., p. 2.

¶ Ibid., v. vi., p. 588.

\*\* Ibid., pp. 611, 612.

†† Ibid., v. vii., p. 131.

‡‡ Lords' Journ. v. xi: p. 549.

infant;\* which will at once dispose of the allegation that Sir Robert Howard died in youth or without issue. His early years, indeed, had been sufficiently notorious to have kept the memory of his age alive, by the scandal of his illicit connection with the lady Frances Villiers, viscountess Purbeck,† and the memorable proceedings thereon; which

\* *Lords' Journ.*, v. xi., p. 552. All parties interested, with counsel and witnesses, were ordered to attend; and, July 20th, the bill was referred to a Committee (*Ibid.*, p. 565); but there is no record of any further proceedings. The bill did not pass.

† Frances, only surviving child of Sir Edward Coke, knt. by his second wife, Elizabeth, daughter of Thomas Cecil, earl of Exeter, was married in 1617, at Hampton Court, to Sir John Villiers, afterwards created viscount Purbeck, elder brother of George duke of Buckingham. Sir John, an imbecile, was not a person likely to engage the affections of "a lady of transcendent beauty." The marriage was an offering for Court favor, of the learned lawyer in disgrace, and so repugnant to the feelings of both mother and daughter, that they endeavoured to avoid it by absenting themselves; but were discovered, and the latter brought back.—*Biog. Brit.* (ed. Kippis), v. iii., p. 692. Browne Willis "heard from a noble peer, a near relation of the family, that the lady Frances had been tied to the bed-posts and cruelly whipped until she consented to the match." What could be expected from such an alliance! "The truth is," writes Sanderson, "she was a rich marriage which the duke engrossed for his brother, whose light brain, inclining to whimsies, increased with overmuch jealousy of his very handsome wife" (*Life and Reign of K. Charles*). In 1621 they were finally separated. Her cousin, Elizabeth Cecil, had married Sir Thomas Howard; the family connection was introductory; and in her desolation of heart the lady Purbeck gave her affections to his younger brother, Sir Robert Howard; "a noble youth," who supplied her ideal of wedded happiness. A very piteous letter to the duke of Buckingham, subscribed "your unfortunate sister, F. Purbeck," refers to "discontented servants' tales," and her own "too much credulity of his lordship's fair promises, which she had waited the performance of almost these five years." Perhaps the viscountess dissembled when she wrote: "Though you may judge, my lord, what pleasure there is in the conversation of a man in the distemper you see your brother in; yet the duty I owe to a husband and the affection I bear him (which sickness shall not diminish), makes me much desire to be with him, to add what comfort I can to his afflicted mind, since his only desire is my company; which, if it please you to satisfy him in, I shall, with a very good will, suffer with him, and think all but my duty, though I think every wife would not do so. But if you can so far dispense with the

ultimately brought punishment on the head of archbishop Laud; and contributed to the unpopularity and abolition of

laws of God as to keep me from my husband, yet aggravate it not by restraining from me his means and all other contentments; but, which I think is rather the part of a christian, you especially ought much rather to study comforts for me than to add ills to ills, since it is the marriage of your brother makes me thus miserable. For if you please but to consider, not only the lamentable estate I am in, deprived of all comforts of a husband, and having no means to live of; besides falling from the hope my fortune then did promise me; for you know very well I came no beggar to you, though I am like so to be turned off . . . . . Think not," she adds, "to send me again to my mother's, where I have staid this quarter of a year, hoping (for that my mother said you promised) order should be taken for me; but I have never received penny from you. Her confidence in your nobleness made me so long silent; but now believe me, I will sooner beg my bread in the streets, to all your dishonors, than any more trouble my friends, especially my mother. . . . ."—*Cabala*, p. 318.

In this resolution the viscountess became "Mrs. Wright;" and the rev. William Cole obtained from the registry of the parish of St. Giles, Cripplegate, the following copy of record: "Christenings. 1624, October 20th, Robert, son of John Wright, gentleman, of Bishopsthorpe, in Yorkshire, baptized in the Garden-House of Mr. Manninge, at the upper end of White-Cross-street."

The powerful Buckingham prosecuted the parties in the High Commission Court. In Michaelmas Term, 1627, the viscountess was condemned to pay a fine of 500 marks; to be imprisoned during the pleasure of the Court; and to do penance in the church of the Savoy. She made her escape from the Gate-House; and in the guise of a page, by the aid of the Savoy ambassador, passing over to France, avoided the public shame. Sir Robert Howard was excommunicated at St. Paul's Cross; and obtained release from prison by appeal to the Lord Keeper. After the storm had subsided, the viscountess returned to England, and Sir Robert Howard, it is said, took her to his house in Shropshire, where she had other children who bore his name; but venturing too near the precincts of the Court, the prosecution was renewed. Sir Robert Howard was committed close prisoner to the Fleet for three months, without pen, ink or paper; and was then released only on giving bond in three thousand five hundred pounds, to appear in the High Commission Court, and not to come into the company of the lady Purbeck. In 1640, the matter came before parliament on a question of privilege. The bonds were ordered to be cancelled, and £1000 compensation awarded to Sir Robert Howard for false imprisonment. Archbishop Laud was condemned to pay £500; and two other Commissioners, Sir Henry Martin and Sir John Lambe, £250 each.—*Comm. Journ.*

the High Commission Court. Rather late in life, *circa* 1648, Sir Robert Howard married Katharine, daughter of Sir Henry Nevill, (sometime ambassador at the Court of France) seventh baron Abergavenny of Birling, in the county of Kent, and his second wife Katherine, sister of Edward lord Vaux of Harrowden. Children of his marriage, Sir Robert Howard had three sons.\* Henry Howard, of Clun, co. Shropshire, esq., eldest son, mentioned in the petition to parliament, 1663, married Mary, daughter of Sir George Blount, of Soddington, bart.; and was deceased in 1680, when his widow, Mrs. Mary Howard, gave evidence on the trial of the viscount Stafford.† Robert Howard, esq., the second son, married Winefred, daughter and heiress of Thomas (or John) Cassey, by Mary, daughter and heiress of John Welles of Horecross, co. Stafford, esq., and had several children mentioned in the pedigree.‡ Sir Robert Howard died April 22nd, 1653,

v. i., pp. 820-871; *Lords' Journ.*, v. iv., pp. 106, 113, 114, 117. The archbishop, in his *Diary*, writes: "Dec. 21, 1640. I was fined £500 in the Parliament-House, for keeping Sir Robert Howard close prisoner in the case of the escape of the lady viscountess Purbeck out of the Gate-House, which lady he kept lewdly and had children by her; and I was forced to sell plate to pay where I borrowed it."—*Rushworth, Hist. Coll.*, pt. ii., p. 1087. It is elsewhere noted that the prosecution had been undertaken by the archbishop at the instance of the king, and (as a sign of the times) that the culprits had the sympathy of the good-fellowship of the town.—*Troubles and Trials of Archb. Laud*, 1695. In 1644, the goods of the viscountess Purbeck, valued at forty pounds, were sold by the Commissioners for Sequestrations (*Addit. MS.* 5497, 5508.). In the following year she died "in the king's garrison," at Oxford, and was buried in St. Mary's church, 4th June; the viscount surviving. In 1648, Sir Robert Howard married the lady Katharine Nevill.—*Add. MS.* 8534, *B. M. Lib.*

In 1678, the son of Mr. Robert Wright, claimed the titles of baron Villiers, viscount Purbeck, &c., and his pretensions are known as the celebrated "Purbeck Case."

\* *Add. MS.* 5834, fo. 17. *B. M. Lib.*

† *State Trials*, v. vii., c. 1182; *Dodd, Church Hist.*, v. iii., p. 243. Mrs. Mary Howard died May 5th, 1732, ætat. 80.

‡ *Shaw, Hist. Staffordsh.* (with *MS. Add.*) v. i. p. 105. *B. M. Lib.*

and was buried at Clun. The lady Katherine afterwards became wife of Robert Berry, of Ludlow, esq.\*

The daughters of Thomas earl of Suffolk occupy positions so prominent in the Court history, and two of them in the Court scandal of their time, that they might well have been left to the faded canvas and the dusty chronicles, had there not been circumstances that bring them specially within the review of these pages.

The misfortunes or the fatal errors of ambition, that, in 1572, (for the third time since their elevation to the peerage, in less than a century), had prostrated the ducal family of Howard,—received their earliest signs of reaction in the year 1585, when Mr. Thomas Howard, the future earl of Suffolk, was restored in blood, and to possession of the inheritance of his mother, heiress of Thomas lord Audley of Walden. His valiant services at sea, in 1588, against the Spaniards, were acknowledged by knighthood; and a summons to parliament by the title of his mother's barony a few years later, raised him to the peerage. On the accession of king James, lord Walden was advanced to the earldom of Suffolk,† and became a successful courtier; he bore the wand of lord Chamberlain at the discovery of the plot, familiarly described “the gunpowder fright;”‡ and in the following year, 1606, matched his eldest daughter, the lady Elizabeth Howard, then twenty years of age,§ to the lord Knollys of Greys, Treasurer of the Household; to whom she became second wife.

\* Add. MS. 5834, fo. 17.—B. M. Lib. See also Collins, *Peerage*, 1762, v. v., p. 11, *tit.* Abergavenny.

† There had been no *earl* of Suffolk since William de la Pole (created marquess and duke),—who married Alice, grand-daughter of Geoffrey Chaucer, the poet,—attainted and beheaded, 1450. Henry Grey, last *duke* of Suffolk (father of the unfortunate lady Jane Grey) was attainted and beheaded, 1554.

‡ Sir John Haryngton. Letter to Mr. Secretary Barlow, 1606.—*Nugæ Antiq.* v. ii. p. 133.

§ She was born in 1586. Walden Reg.—*Hist. Audley End.*

Shakspeare—to counterbalance the giddy and unfirm fancies of mankind,

— more wavering, sooner lost and worn,  
Than women's are;—

has given counsel :—

— let still the woman take  
An elder than herself; so wears she to him;  
So sways she level in her husband's heart.

In this compact the lord Walden anticipated the recommendation of the immortal playwright. The Treasurer of the Household was forty-two years the elder of his bride. Dryden would perhaps have suggested that the disproportion was overmuch; that in his age the bridegroom might have been more fascinated than fascinating in his own person. But the lady Elizabeth so swayed her level and so governed appearances as to belie the suggestion: for more than five-and-twenty years she shared the fortune and honors of her lord,—advanced by favor of his sovereign successively to the viscountcy of Wallingford; and—in his latter days—to the earldom of Banbury. She continued his “loving wife”\* to the end; enjoying his confidence, in happy ignorance or quiet sanction—if injured—of his wrongs. Yes, unhappily, there was an *if*, of important results, in the elements of the case; and the fair fame of the countess of Banbury, in the estimation of the chronicler of her family, is only to be assessed by comparison. “Of this lady,” writes Mr. Henry Howard of Corby, “the best I can say of her is, that she was not so bad as her next sister!”† The estimate is rather low because the chronicler has not placed the standard very high: but the parallel, in any respect, can scarcely be drawn.

If the lord Knollys was much the elder of his lady,

\* Will of the earl of Banbury, dated 19th May, 1630. The countess Elizabeth was left sole executrix.

† Fam. Mem., fol., 1836.

the lord Vaux was one year her younger. He had been left fatherless in infancy, and succeeded his grandfather in the barony of Harrowden in early childhood; he was a family connection of the first lady Knollys; and my lord entertained no jealousy of the intimacy that supervened with her successor. Rumour, indeed, has suggested the suspicion of an illicit intercourse; but it appears to have had reference rather to results and subsequent events than to the scandal of previous observation: the intimacy of the earl and baron was unshaken by occurrences of alleged notoriety that, after his decease, were held to have affected his honor; and it was given in evidence, that to nearly the close of his life the earl of Banbury, with the countess, occasionally made Harrowden their home.”\* The earl died in 1632, at the age of eighty-eight, “without issue, as the certificate signed by the lady Elizabeth, his wife (who survived him) doth testify. But notwithstanding this her certificate,” writes Dugdale, “and an inquisition taken after his death importing as much, it was not long after ere she married Edward lord Vaux, and produced two sons, Edward (some years afterwards slain in a quarrel) and Nicholas, who was frequently called earl of Banbury, but never had summons to parliament.”†

At the time of the earl's death, Edward, eldest of these sons, was five years old and upwards; the younger, Nicholas, was born at the lord Vaux's house at Harrowden, in January, 1630, a few months before the date of the earl of Banbury's will in favor of his “loving wife.”

“Under these circumstances,” writes the genealogian, Banks, “it must be considered, as the law stands, that these children were legitimate; and that however suspicions might be entertained that they were the sons of lord Vaux, rather than of the earl of Banbury at the age of upwards

\* Banks, *Dorm. and Ext. Baronage*, 4to., v. iii., p. 45.

† *Baronage*, v. i., p. 413.

of eighty years, yet the rules of jurisprudence of the country will not allow the suspicions of an evil mind to do away with the established law of the land.”\* Unfortunately for the learned argument, the evil suspicions were too powerful for the established law. It is remarkable, however, that the Funeral Certificate of the earl of Banbury, said to have been signed by the countess his widow, entered in a book in the College of Arms, referred to by Dugdale, and long under his control, “is not,” it has been alleged, “subscribed by the said Elizabeth, nor by any other person whomsoever.”†

Elizabeth lady Vaux died in 1658, at the age of seventy-two;‡ and with her lord lies entombed beneath a monument of black marble, in the centre of the chancel of St. Martin’s church, Dorking. Edward lord Vaux died in 1661, “leaving his estate,” observes Sir Egerton Brydges, “to his natural son, Nicholas Knollys.”§

A course of policy having no reference to the Shaksperian principle, in the year 1607, dictated the marriage of the next sister of the lady Elizabeth Howard to the young Devereux, earl of Essex. The lady Frances Howard was the fairest daughter of her father’s house: “the best and sweetest disposition,” writes Sir Symonds D’Ewes, “of all

\* Dormant and Ext. Peerage, 8vo., 1812, v. i., p. 324; where the case of the earldom of Banbury is fully entertained.

† Banks, Dorm. and Ext. Baronage, 4to., 1809, v. iii., p. 46. Could Dugdale have been so mistaken of his facts? or is the counter-statement equivocal? The entry in the book may be only a copy; as it is presumed the original certificate must have been vouched by some person or persons competent to verify the facts alleged. Yet Banks says it is “the very same book” to which Dugdale refers.

‡ The age of the lady Elizabeth Vaux on her monument is mis-stated seventy-five.—*Manning, Hist. Surrey*, v. i., p. 585.

§ Mem. of Peers, v. i., p. 286. The lady Paget and the lady Willoughby having been found, by inquisition, coheirs of William late earl of Banbury, it was objected to the claim of Nicholas Knollys to the earldom, “that the lands he then had, were the lord Vaux’s settled by conveyance.”—*Banks, Dorm. and Ext. Peerage*, 8vo., v. i. p., 344.

his children; exceeding them all also in the delicacy and comeliness of her person."\* Sad fate! that a creature so fair, endowed by nature with the elements of happiness to herself and others should, at the outset of life, have become the victim of political intrigue,—the disposition of her person sacrificed to base attorneyship. Pity! that a flower so delicate should have been misplanted on a rank and vicious soil, to become—a noxious weed!

"The treasurer Salisbury, that great engine of the State, by whom all wheels move," writes the historian Wilson, "held an intimate correspondence with the house of Suffolk, which he had strengthened with an alliance; marrying his eldest son, the lord Cranbourn, to Katherine, eldest daughter of that family;† and being mindful of the asperity and sharpness that was between him and the late earl of Essex, thought it good policy and piety not to suffer malice to become hereditary; and therefore he was a great means in marrying the young earl of Essex to the lady Frances Howard, another of those sisters. The earl of Essex was fourteen years of age, and she thirteen, when they were married,—too young to consider but old enough to consent."‡

All writers on this subject, from Arthur Wilson, who (brought up in the family, and groom of the chambers to Robert earl of Essex), had opportunities of personal observation, to the recent biographer of the Devereux,§ have argued upon the assumed fact that the lady Frances Howard was thirteen years of age at the time of her marriage. Wilson, doubtless, had been misled by the statement found

\* Hist. of his own Life and Times.—*Harl. MS.* 646. *f.* 27. It has been printed.

† The lady Katherine was third daughter; four years the younger of her sister, the lady Frances. At the age of fourteen, in the year 1608, she was married to the lord Cranbourn.

‡ Life and Reign of King James the First. Fol. 1653.

§ Lives and Letters of the Devereux, earls of Essex; by the hon. W. B. Devereux. 1853.

in the petition of the countess of Essex for a divorce,\* and even Sir Egerton Brydges,† canvassing the dates of the historian Carte, and challenging their accuracy, did not discover that the lady Frances was three years and more older than represented. If her marriage with the earl of Essex and her immediate separation from him led to the unhappy results deplored,—those additional years to her age form an important circumstance in aggravation of the case. It was not the pre-contract of children in early infancy for the future aggrandisement of two great families; it was the marriage of a woman to a boy;—the latter sent away till years of manhood; the former,—without any personal attachment or other influence in the earl's favor, than the moral obligation of her hasty vow to rule her actions or restrain her mind,—sent to the trial of her constancy in the vortex of a life at Court; with members of her own family—for political ends, aiding her to crime.

The lady Frances Howard, second daughter, fourth child of her parents, was born in 1590, and upwards of two

\* The libel alleged "That the lady Frances, at the time of the marriage, was 13 years old, and is at this time 22 or 23. That she and Robert earl of Essex were married in January, 1603. That the aforesaid Robert, at the time of the marriage, was about 14, and is about 22 or 23 at this time." The earl of Suffolk deposed, "that the lady Frances was *above* 13 years of age at the time of the said marriage, and is now above 22 years old." The earl of Essex, in his answer, dated July 5, "thinketh that at the time of his marriage, he was full 14 years, and is now 22 and upwards."—*State Trials*, v. ii., c. 787. These statements are not to be reconciled; and it is difficult to understand how a fact, so much within the knowledge of the parties, should have been misplaced in time. It is true that the lady Frances was 13, in the year 1603, if that had been the date of the marriage; but then the earl of Essex would have been only *eleven* years of age. The marriage, in fact, took place, January 5, 1604, (*Sir Eg. Brydges, Mem. of Peers*), which will be consistent with the statement of the earl of Essex, and place the countess in her seventeenth year.

It is probable that the statement in the proceedings for divorce, which has misled all writers on the subject, had less reference to the exact age of the parties than to the sufficiency of years to contract a legal marriage.

† Mem. of Peers.

years the elder of the earl of Essex, was in her seventeenth year at the time of her marriage.\* If he was too young to consider, she had no will but to consent. "By the advice of friends," continues the historian Wilson, "they were separated after marriage: she under her mother's wing; and he visiting France and Germany till time should ripen a happy co-union. The Court was her nest, her father being lord Chamberlain; and she was hatched up by her mother,—whom the sour breath of that age (how justly I know not) had already tainted,—from whom the young lady might take such a tincture, that ease, greatness and Court glories would more distain and impress on her than any way wear out and diminish; and growing to be a beauty of the greatest magnitude in that horizon, was an object fit for admirers; and every tongue grew an orator at that shrine."†

Such was the position of the young countess of Essex, in the judgment and observation of her husband's servant and friend. If she had resisted the temptations with which she was surrounded; had been insensible to the flattery that from every tongue assailed her ear, she had been something more or less than a daughter of Eve. But there were circumstances that gave value to her personal attractions for the maintenance of the political power of the Howards. A rival for Court favor, formidable in the rapidity of early growth, seemed likely to overshadow them. "Carr," writes one of the family to his friend,‡ "as I told you before, hath all favors; the king teacheth him latin every morning, and I think some should teach him English too, for as he is a Scottish lad, he hath much need of better language. The king doth much covet his

\* The ages of the children of Thomas earl of Suffolk are found in the Funeral Certificate of their grandfather, Sir Henry Knyvett of Charlton.—I. 16, f. 24, in Coll. Arm.—*Topog. & Genealog.*, v. i., p. 470.

† Life and Reign of King James the First.

‡ The lord Thomas Howard to Sir John Haryngton.

presence; the ladies too are not behind hand in their admiration; for I tell you, good knight, this fellow is straight-limbed, well-favored, strong-shouldered, smooth-faced, with some sort of cunning and shew of modesty; though, God wot, he well knoweth where to shew his impudence . . . . Your lady is virtuous and somewhat of a good huswife; has lived in a Court in her time, and I believe you may venture her forth again; but I know those would not quietly rest were Carr to leer on their wives, as some do perceive, and take it well too they should be so noticed. . . . . We are almost worn out in our endeavours to keep pace with this fellow in our duty and labour to gain favour, but all in vain: where it endeth I cannot guess, but honours are talked of speedily for him.”\*

This letter is represented to have been written in 1611; and on the 25th March the same year, Sir Robert Carr was created baron Carr of Branspeth, in the bishoprick of Durham, and viscount Rochester. In the previous year the king's eldest son, Henry Frederick, duke of Cornwall, heir apparent to the throne, had been created prince of Wales, and kept his separate Court. The Suffolk family had gained footing in the household of the rising sun; but the influence of the king's favorite was there also. “Robert Carr,” wrote the lord Thomas Howard, “is now most likely to win the prince's affection, and doth it wondrously in a little time. The prince leaneth on his arm, pinches his cheek, smooths his ruffled garment, and when he looketh at Carr, directeth his discourse to divers others. This young man doth much study all art and device: he hath changed his tailors and tiremen many times, and all to please the prince, who laugheth at the long grown

\* *Nugæ Antiq.*, v. ii., p. 127. Robert, son of Thomas Carr, laird of Fernihurst, in Scotland, was appointed one of the pages of His Majesty's Bedchamber, in 1605; he was knighted on the 24th December, 1607, and the same day advanced Gentleman of the royal Bedchamber.

fashion of the young courtiers, and wisheth for change every day.”\* In this position of affairs the machiavelian policy of the Howards, directed by “the masterly abilities of the dark and mysterious Northampton,” appears to have been *separa et impera*. Under the guidance of her great uncle, “the grossest flatterer in the world,”† the fascinating smiles of the countess of Essex were brought to bear on the young prince; who “sent many loving glances ambassadors of his admiration,”‡ and became a successful worshipper at her shrine.§ Arthur Wilson writes, that “she had a most sweet and bewitching countenance hiding a wicked heart;” but while the vanity of woman might have been flattered by the attentions of the heir to the throne, reason will hardly admit that it could have been *her* design by coquetting her charms to become the apple of discord between the friends,—leading to results that are supposed to have placed the life of the prince in the lighter balance with the fortunes of the rising courtier. Such however was the result; jealousy gave place to hatred on the one hand,—perhaps to silent revenge on the other;|| and, not untrue to nature, the lady Essex in place of her royal admirer transferred her wandering allegiance to his friend. “God best knows,” writes Sir Symonds D’Ewes, “whether that hastened his

\* Letter to Sir John Haryngton.—*Nug. Antiq.* v. ii. p. 125.

† Wilson.

‡ Ibid.

§ D’Ewes.

|| “‘God knows,’ exclaimed Sir Edward Coke, from the judgment seat, ‘God knows what became of that sweet babe prince Henry;’ but I know somewhat,” adds Sir Anthony Weldon; “and surely in searching the cabinets he lighted on some papers that spoke plain in that which was ever whispered.”—*Court and Charact. of K. James*. Coke’s allusion was, that Overbury had been put to silence to prevent the disclosure of a secret respecting the untimely death of the prince. Coke was admonished for his indiscretion by a letter from the king’s Attorney, Sir Francis Bacon, and soon afterwards was removed from his office; but the subject certainly formed material for the examination of Somerset in the Tower, and is alluded to in the report of Bacon and other Commissioners to the king.—*Cabala*, p. 35.

end: most certain it is that some months before his highness's death, viscount Rochester's familiarity and her's took its first initiation by Mrs. Turner's procurement."\*

"Taken with the growing fortunes of the viscount Rochester," writes Wilson,† "and grounding more hope on him than on the uncertain and hopeless love of the prince, she resolved to cast her anchor there." Whether the triumph of vanity or the resolve of her unsettled affections, the decision partook also of the subtlety of the politician, and had the approval of the great director of the family interests. Howbeit, if credit may be given apparently to the secret sorrows of her own heart,‡ her grapplings had hardly taken confirmed hold, when her husband the earl of Essex, returned to England and claimed her for his wedded bride! It was a situation for the dramatist. To the countess it was embarrassing: the results of her erratic allurements complicated in the miserable shifts of an infatuated woman to escape from a position of honorable marriage she had not selected and had not been taught to respect. The earl returned, writes Wilson, "and found that beauty he had left innocent, so farded and sophisticated with some Court drug that had wrought upon her, that he became the greatest stranger at home." The Court drug indeed, had wrought a complete fascination; but it had not wronged the earl by supplanting an affection that never had place in her heart. The science of the age gave her hopes of relief in magic

\* Hist. Own Life and Times. On her trial Mrs. Turner said, "she was ever brought up with the countess of Somerset, and had been a long time her servant." Sir Thomas Overbury, however, claimed for himself some of the merit of the initiation. In one of his letters to Rochester from the Tower, he upbraids the viscount: "how after you had won that woman by my letters, and then concealed all your after proceedings from me."—*Winwood, Mem.*, v. iii, p. 474.

† Life and Reign of King James.

‡ Letter of the Countess of Essex to Mrs. Turner.—*Somers' Tracts*, v. ii. p. 332.

spells and the agency of witchcraft. As she detested her marriage she moved the powers of sorcery for chilling philters,—repellents that should correspond to her own aversion, and “bewitch the earl to frigidity towards her.”\* Mrs. Turner, (inventor of the celebrated yellow starch) brought up in the Suffolk family, widow of a physician, and Dr. Forman appear on the stage, to feed on her credulity and flatter her hopes.† Yet, miserable actress! in the grand drama of Court intrigue, the wretched countess herself was the mere puppet of the scene. It is impossible to suppose that the great engine of the State, motioned apparently from the supreme head,—a commission of the most learned and courtly civilians and divines,—the king active and directing every step,—should have been set to work on subtle points of law and argument to contrive some novel theory for a divorce, merely because a fickle or wayward woman rebelled to the lawful control of her husband.‡ It was indeed a case of legal difficulty that interested his majesty’s subtle judgment; for while some plausible allegation necessarily should be pleaded to satisfy the scruples of the church and the canonical doctrine of the nullity of marriage; the honor of the lady, notwithstanding her imputed defalcations, was to be sustained pure; and my lord of Essex, submitting to the influence of the powerful coalition at Court, while he abstained from all reproaches reflecting on the conduct of his lady, would in nowise consent to any arrangement that should be inconsistent with his own honor;—albeit he did accept all the disgrace; and to add to his perplexity “was called on to pay back his wife’s fortune, which did not agree at all with his

. \* Roger Coke, *Detection of the Court and State of England*.

† Dr. Forman was buried at Lambeth, Sept. 12, 1611, two years before the divorce of the countess from the earl of Essex.

‡ See Letter of the Countess of Essex to Mrs. Turner.

circumstances.”\* At length the preliminaries were settled;† and the earl of Northampton wrote to the rival courtier: “Now it is concluded about the form of the *nonality*, I doubt not but God will bless the next bargain. . . Be still happy! H. NORTHAMPTON.” The compact was ratified by the subscription in a lady’s hand: “And I am witness to this bargain. FRA. HOWARD.”‡ The influence of Northampton is seen at every move: his suggestive mind the directing power: his policy the game.

A letter of news, in July 1613, refers to the divorce of the countess of Essex; and the reported coalition as the result of it. “It is expected,” wrote the rev. Thomas Lorking, “that if a nullity of marriage be pronounced,—a match shall be concluded between my lord Rochester and her, thereby to reconcile him and the House of Howard together, who are now far enough asunder.”§ The “bargain for the match,” however, had long preceded the fact of the divorce.|| The coalition had arisen, pro-

\* Somers’ Tracts, v. ii., p. 291. Essex took his revenge by confronting Somerset on the day of his trial. “He stood full in his face,” wrote John Chamberlain to Sir Dudley Carleton. On her arraignment the previous day, Essex spared the feelings of the countess by placing himself “somewhat more privately.”—*Court and Times of James the First*, v. i., p. 408.

† The Lord Privy Seal (Henry Howard, earl of Northampton); the lord Chamberlain (Thomas Howard, earl of Suffolk); the earl of Southampton; and the lord Knollys, Treasurer of the Household, (married to the lady Elizabeth Howard, elder sister of the countess of Essex);—met at Whitehall, on the 11th May, (as I afterwards heard), to settle an order, by consent, how this prosecution should be: that is to say,—that a separation should be made, and my lord’s honor every way preserved.—*Archb. of Canterbury’s Narrative*. Archbishop Abbot, one of the Commissioners, dissented from the decree.

‡ Somers’ Tracts, v. ii., p. 336. The letter was found in the cabinet of the earl of Somerset.

§ Letter to Sir Thomas Puckering, July 8.—*Court and Times of James the First*, v. i., p. 253.

|| Bacon. Speech on the trial of the earl of Somerset.—*Somers’ Tracts*, v. ii., p. 354.

bably, in a mutual desire for the cessation of a contest exhaustive only in prospect,—so evenly balanced (and much it said for the individual influence of Rochester) as to appear hopeless to either party. The Howards were fain to conciliate a power they could not supplant or otherwise control; Rochester, by his marriage alliance,\* sought to consolidate his influence by winning over an opposition by no means to be despised; ridding himself at the same time, of a tyranny he began to find prejudicial to his interests, and himself could no longer endure.

The earl of Rochester and Sir Thomas Overbury stand in history as joint adventurers on the favor and credulity of James the First. Rochester, the successful courtier, basking in the favor of his sovereign; Overbury, his early friend and man of business, looking to the rising fortunes of the favorite as the means of his own advancement. The courtly patron, incapable of application to business, would have been wholly inefficient to succeed the diligent Cecil, worn out with the cares of the State, without the legal training and general talents of Overbury to conduct the affairs of a nation. They had been long bound to each other in ties of mutual interest;† but as one advanced in usefulness and necessity to the other, in so far he trenched on the equality of the mutual compact. From whatever cause—incapacity or idleness—Rochester became negligent of his office, his deputy increased in importance, and from the familiar equality of earlier years became overbearing in his power. “The King,” writes Lloyd, “trusted Carr with his despatches, and Carr trusts

\* “The good gentleman,” says Lloyd, “being sensible of failers that might ruin him, was wholly intent upon a *treasure* that might preserve him.”—*State Worthies*.

† In one of his letters from the Tower, Overbury referred to an intimacy of joint interests from the commencement of Carr’s career,—to the “secrets of nine years.”—*Winw. Mem. v. iii., p. 479.*

Overbury a month together without examination, who had full commission to receive and answer any letters or other expresses that came to his hands.”\* Overbury obtained so completely the control of public affairs, it is said, as to have received and replied to foreign despatches without the knowledge or intervention of minister or king. “Overbury knew more of the secrets of State,” said the philosophic Bacon, “than the *council-table* did;” he and Rochester “had secret cyphers and jargons by which they communicated with each other; they were grown to such inwardness as they made play of all the world beside.”† Thus, from being necessary to his chief, in place of subserviency he assumed the power of dictation. His hauteur became distasteful to the king,—offensive to the court; and at the moment when he fancied himself never more firm in the stability of his fortunes and the security of his person, he was enshrouded in his ruin.

It was on Wednesday, the 21st April, 1613, writes Sir Henry Wotton,—the marriage of the lady Elizabeth with the count Palatine had been celebrated; the rejoicings were over; the married couple—still on the Kentish coast languishing for a wind,—had left the court less ruffled than the ocean that detained them; and eager courtiers had assembled to speculate on the anticipated dispensation of royal favors,—when “about six o’clock in the evening, Sir Thomas Overbury was, from the council chamber, conveyed by a clerk of the council and two of the guard to the tower; and there by warrant consigned as close prisoner; which by the suddenness like a stroke of thunder, and more by the quality and relation of the person, breeding in the beholders (whereof by chance I was one) very much amazement; and being likely in some

\* Worthies of England.

† Address of the King’s Attorney, on the trial of the earl of Somerset.—*Somers’ Tracts*, v. ii., p. 351.

proportion to breed the like in the hearers, I will adventure for the satisfying of your thoughts about it, to set down the fore-running and leading causes of this accident, as far as in so short a time I have been able to wade in so deep a water. It is conceived the king hath a good while been much distasted with the said gentleman, even in his own nature, for too stiff a carriage of his fortune; besides that scandalous offence of the queen at Greenwich, which was never but a palliated cure. Upon which considerations, his majesty resolving to sever him from my lord of Rochester, and to do it not disgracefully or violently, but in some honorable fashion, he commanded, not long since, the archbishop by way of familiar discourse, to propound unto him the ambassage of France or of the Archduke's Court; whereof the one was shortly to be changed, and the other at the present vacant. In which proposition it seemeth, that though shadowed under the archbishop's good will, that the king was also contented some little light should be given him of his majesty's inclination unto it, grounded upon his merit. At this the fish did not bite; whereupon the king took a rounder way, commanding my lord Chancellor and the earl of Pembroke to propound jointly the same unto him as immediately from the king.

. . . . . But Sir Thomas refused to be sent abroad, with such terms as were by the council interpreted pregnant of contempt, in a case where the king had opened his will; which refusal of his, I should for my part, esteem an eternal disgrace to our occupation, if withal I did not consider how hard it is to pull one from the bosom of a favorite. Thus you see the point upon which one hath been committed, standing in the second degree of power in the Court, and conceiving (as himself told me but two hours before) never better than at that present of his own fortune and ends. Now in this whole matter there is one main and principal doubt, which

doth travel all understandings; that is, *whether this were done without the participation of my lord of Rochester*; a point necessarily infolding two different consequences; for if it were done without his knowledge, we must expect of himself either a decadence or a ruin; if not, we must then expect a reparation by some other great public satisfaction, whereof the world may take as much notice. These clouds a few days will clear. In the mean while I dare pronounce of Sir Thomas Overbury, that *he shall return no more to this stage*, unless Courts be governed every year by a new philosophy; for our old principles will not bear it.”\*

At this moment, when his dependant was thus violently removed from the scene of his important action, the earl of Rochester was *sick*,—detained from Court, indisposed in his health; but his malady was of short duration, and he early re-appeared, to falsify the philosophic speculations of the able diplomatist as to decadence of favor in himself or reparation to his imprisoned deputy expected from the contrary result. A month had past, and Sir Henry Wotton wrote to his nephew: “Sir Thomas Overbury is still where he was and as he was, without any alteration. The viscount Rochester yet no way sinking in the point of favor; which are too strange consistents.”† They were in fact the “two different consequences” which, in reference to his previous letter, necessarily cleared away the early clouds that enveloped the mystery, and conveyed to

\* Letter to Sir Edmund Bacon, dated Thursday, St. George’s Eve, 1613.—*Reliq. Wotton.*, p. 408.

† Letter to Sir Edmund Bacon, dated May 27.—*Reliq. Wotton.*, p. 417. “Sir R. Drury,” adds the writer, “runneth at the ring, corbeteth his horse before the king’s window, haunteth my lord Rochester’s chamber, even when himself is not there; and in secret divideth his observances between him and the House of Suffolk: and all this, they say, to be ambassador at Bruxels. So as *super tota materia*, I see appetites are not all of a kind: some go to the tower for the avoiding of that which another doth languish to obtain.”

the addressed the unexpressed conviction at which the unhappy imprisoned himself in due season arrived. "As a man," wrote Sir Thomas Overbury to the viscount Rochester, after five months imprisonment: "As a man you cannot suffer me to lie in this misery, yet your behaviour betrays you: all I entreat of you is, that you will free me from this place, and that we may part friends." Under the irritation and impatience of continued restraint he was even imprudent enough to resort to threats. "Drive me not to extremities," he added, "lest I should say something that you and I both repent."\* And when many affected "projects and promises" for his liberty, succeeded by "frivolous accounts of their miscarriage," had convinced him of the utter falsehood of his professed friend, equally far from the prudence of a wise man in the toils, was the following impotent menace. "You and I," wrote Sir Thomas Overbury to the viscount Rochester, "ere it be long, will come to a public trial of another nature . . . . I have written the story betwixt you and me, from the first hour to this day: what I found you at first: what I found you when I came: how many hazards I have run for you: what secrets have passed between us . . . ."†

Anger and violence had not given place to despair when the man who had stood in the second degree of power at Court dared to hold such language to his late "chief."‡ His relatives were active with petitions to the king, which Northampton and Rochester received with assurances of their support. But one of the consequences of those petitions was imprisonment more rigorous—more "close." The health of the prisoner began to fail under the treatment he received. Dr. Mervin, a physician admitted to see him on the application of his friends to the king,

\* State Trials, 8vo., v. ii., c. 979.

† Ibid., c. 980.

‡ Overbury was accustomed to stile the viscount Rochester "his chief."

"suspected that his meat was not wholesome;" recommended a sparing diet; and prescribed a warm bath,\* which gave temporary relief; but food and medicine alike seemed to fail of their natural effects on the human body. In the month of August he was reported "sick unto death";† and on the 15th September he died.

"Worthy Mr. Lieutenant," wrote the earl of Northampton to Sir Gervase Elwes, "Let me entreat you to call Lidcot‡ and three or four of his frendes, if so many come, to vewe the body, if they haue not already don it: and so soone as it vewed, without staying the cominge of a messenger from the Court, in any cace see it enterred, in the body of the chappell within the tower instantly.

"If they haue vewed, then bury it by and by; for it is time, consideringe the humors of that damned crewe, that only desire meanes to moue pity and raise scandales. Let no man's instance moue you to make stay in any cace; and bringe me theas letters when I next see you.§

"Faile not a iote herin as you loue your frendes; nor

\* Truth brought to Light.—*Somers' Tracts*, v. ii., p. 290. Evidence of Sir John Lidcote, and Paul de la Bell.—*State Trials*. The latter witness gave the date July 3.

† Letter of the rev. Tho. Lorking to Sir Thomas Puckering, dat. Aug. 29, 1613.—*Court and Times of James the First*, v. i. p. 269.

‡ "My brother Lidcote," is mentioned in Overbury's letters. Sir John Lidcote had approached the king with petitions on behalf of his imprisoned relative; and, notwithstanding the plausible intervention of Northampton, still persevered, the more pertinaciously since he had been denied all access to the prisoner.

§ The other letter was in these terms. "Worthy Mr. Lieutenant. My Lo. of Rochester desiringe to doo the last honor to his deceased frende, requires me to desire you to deliuer the body of Sir Tho. Ouerbury to any frende of his that desires it to doo him honor at his funerall. Herin my Lorde declares the constancy of his affection to the deade, and the meaninge that he had, in my knowledge, to haue given his strongest straine at this time of the kinges beinge at Tibballes [*Theobalds*], for his deliuary. I feare no impediment to this honorable desire of my Lordes, but the vnswetnesse of the body, bycause it was reported that he had some yssews, and in that cace the keeping of him aliuie must nedes giue more offence,

after Lidcot and his frends haue vewed, stay one minute ; but let the prest be ready, and if Lidcot be not there,

than it can doo honor. My fear is also, *that the body is already buried*, vpon that cause wherof I write ; which beinge so, it is to late to set out solennitys. Thus with my kindest comendations I ende, and reste,

“Y<sup>r</sup> affectionat and assured frende, H. NORTHAMPTON.

“You see my Lo. earnest desire with my concurring care, that all respect be had to him that may be for the credit of his memory ; but yet I wishe withall that you doo very discretely enforme your self whether this grace hath bene afforded formerly to *close prisoners*, or whether you may graunt my requeste in this cace, who speak out of the sense of my Lordes affection to his frende, *though I be a counsellor*, without offence or preiudice. For I wold be loth to drawe either you or my self into censur, nowe I haue well thought of the matter, though it be a worke of charity.”

Addressed. “To my very louinge and assured frend, Sir Geruase Helwyse, Lieutenant of the tower.”—Original.—*Cott. MS. Titus, B. VII. fo. 482.*

On the back of this letter Sir Gervase Elwes has written. “Soe soone as Sir Tho. Over. was departed, I writt vnto my Lo. of North. ; and because my experience could not directe me, I desired to knowe what I should doe w<sup>th</sup> y<sup>e</sup> body. . . .”

Sir Gervase Elwes received his appointment on the 6th May, fourteen days after the committal of Overbury to the Tower, not without the appearance of, perhaps a feigned, contest between the rival factions at Court. “Sir Gervase Elwes,” writes Sir Henry Wotton, “(before one of the Pensioners) is now sworn Lieutenant of the Tower by the mediation of the House of Suffolk, notwithstanding that my lord of Rochester was the commender of Sir John Keys to that charge ; which the said Keys had for a good while (and this maketh the case more strange) always supplied, even by patent, in the absence of Sir William Wade. Upon which circumstances (though they seem to bend another way) the logicians of the Court do make this conclusion ; that His Majesty satisfying the *Suffolcians* with petty things, intendeth to repair the viscount Rochester in the main and gross.” Letter to Sir Edmund Bacon, May 14, 1613.—*Reliq. Wotton., p. 413.* On the day following the appointment of Sir Gervase Elwes to the Lieutenancy, (7th May,) Weston, an apothecary’s assistant, the special attendant on Sir Thomas Overbury, was “recommended” to Elwes for that service by Sir Thomas Monson, (holding office at Court), at the instance of the earl of Northampton.

A letter read on the trial of Elwes, addressed to the viscount Rochester, contained the following passage : “Sweet lord, . . . I spent two hours yesterday prompting the lieutenant with cautions and considerations ;

send for him spedily, *pretendinge that the body will not tarry*. Y<sup>r</sup> euer. In post hast at 12.”\*

Two obliterations and the hurried character denote the haste of the writer. With more composure the earl addressed the viscount Rochester on the last honors to his deceased friend. After describing the appearance of the body, the earl continues: “This was strange and ugly. He stunk intolerably, in so much that he was cast into a coffin with a loose sheet over him. God is gracious in cutting off ill instruments from off this factious crew: if he had come forth they would have made use of him. Thus, sweet lord, wishing you all happiness and honour, I end, your lordship’s more than any man’s. H. NORTHAMPTON.”†

The authority who has penned a chapter showing how Sir Thomas Overbury in the Tower received the news of the marriage of the earl of Somerset to the countess of Essex, is hardly a trustworthy historian.‡ From May till September the divorce of the earl and countess of Essex, had slowly dragged its course against the opinions of the dissentient Commissioners. The arguments had been

observing with whom he is to deal, that he might the better act his part *for the adventure in which he dealeth*. . . . H. NORTHAMPTON.”—*State Trials*, v. ii., p. 936.

\* Winwood, Mem. v. iii., p. 481. The original, in the hand-writing of the earl of Northampton, is in the Cotton Library.—Cod. *Titus B.* VII., fo. 484. Taking his cue from the suggestion of the earl, “Not<sup>with</sup>standing,” wrote Sir Gervase Elwes, “Sir Tho. Over. dying about v. o’clock in the morning, I kept his body vnburyed vntill 4 or 5 off the clock in the afternoone y<sup>e</sup> next day. S<sup>r</sup> Jo. Lidcot came thither, I could not gett him to bestowe a coffin nor a wynding sheet upon him. The coffin I bestowed, but who did wind him I knowe not. For indeed y<sup>e</sup> body was very noysome; soe as notwithstanding my Lordes direction, by reason off y<sup>e</sup> danger off keeping y<sup>e</sup> body, I kept it over long as wee all felt. GER. HELWYSSE.” Indorsement by the lieutenant of the tower.—Original.—*Ut supra*.

† *State Trials*, v. ii., p. 937.

‡ Truth brought to Light, &c. 1651.—*Somers’ Tracts*, v. ii. p. 291. “The First Five Years of King James.” 1643.—(*Harl. Miscell.*, v. vii., p. 431.) contains—(*by anticipation?*) the same history!

lengthy if not luminous; and his majesty had cast his decisive opinion into the balance: but Overbury had been ten days festering in his shroud before the decree was signed by seven of the twelve Commissioners to whom the case had been referred.\* It bears date the 25th September; and though unattended with the unanimity that might silence argument, the doubts that had wearied the principals and their friends, were set at rest. The "bargain" had become a possibility; and that the daughter of the lord Chamberlain might not lose rank by a change of husbands, the viscount Rochester was advanced to the earldom of Somerset. The investiture took place "in the banqueting house, very solemnly," writes Sir Henry Wotton, "in the sight of many great ones and small ones, on the 4th November."† The marriage of Robert earl of Somerset and the lady Frances Howard was celebrated in the Chapel Royal, Whitehall, on St. Stephen's day, (December 26) 1613.‡ "She was married in her hair," wrote Mr. John Carleton, "and led to the Chapel by her bridemen, a duke of Savoy that is here, and the earl of Northampton, her great uncle. The dean of the Chapel§ coupled them; which fell out strangely, that the same man should marry the same person, in the same place, on the self-same day, (after six or seven years, I know not whether) the former party yet living;—all the difference was that the king gave her away the last time, now her

\* The decree was signed by the bishops of Winchester, Ely, Coventry and Lincoln, and Rochester; Sir Julius Cæsar, Sir Daniel Donne and Dr. Parry. The archbishop of Canterbury, the bishop of London, and Drs. Bennet, James and Edwards refused to sign. The son of the bishop of Winchester was knighted in acknowledgment of his parent's services in the matter; but the honour was "blighted by some merry fellow" adding the memory of the service,—and naming him Sir *Nullity* Bilson.

† Letter to Sir Edmund Bacon, Nov. 5, 1613.—*Reliq. Wotton.*, p. 427.

‡ Malcolm, Lond. Rediviv., v. iv., p. 276. The dean of Westminster preached; and the vestry fees were forty pounds.

§ Dr. Montague, bishop of Bath and Wells.

father. The king and queen were both present, and tasted wafers and hippocras as at ordinary weddings.”\* Court and city vied in festive rejoicings over the event as though the Montagues and Capulets had come to terms and made their peace. Offerings of gold and silver bore their silent testimony of the love or laud of friend and flatterer; and the “unbought” eulogy of the poet run riot in a strain of virtuous adulation and holiday prognostics peculiar to the elated imagination of inventive genius, and current in the regions of romance. Ben Jonson was familiar with his subject: he had celebrated the former marriage of the lady with an epithalamium.† Hymen’s amends now moved the spirit of his festive muse:

They are not those, are present w<sup>th</sup> theyr face  
And clothes, and guifts, that only do thee grace  
At these thy nuptials; but whose heart and thought  
Do wayte upon thee: and theyr Loue not bought.  
Such weare true Wedding robes, and are true Friendes  
That bid, God giue thee ioy, and have no endes  
W<sup>h</sup> I do, early, vertuous Somerset.‡

\* \* \* \*

Unbought praise, like some other gratuities, perhaps, is not too curiously to be scanned. In this instance it could hardly have been much worth; for surely rare Ben, in the eye of the “vertuous Somerset,” wore the wedding robe

\* Letter to Mrs. Alice Carleton, Dec. 30, 1613. *Court and Times of James the First*, v. i., p. 284.

† Hymenæi; a Masque, written for the nuptials of the earl of Essex. 1606. The following lines, spoken by *Reason*, seem to have been dictated in the spirit of prophesy:

Chear up the faint and trembling bride  
That quakes to touch her bridegroom’s side;  
Tell her what Juno is to Jove;  
The same shall she be to her love;  
His wife which we do rather measure  
A name of dignity than pleasure.

‡ MS. in the autograph of Ben Jonson: addressed “To the Most Noble and above his Titles Robert Carr, Earle of Somerset.” The MS. has been inserted in a copy of Jonson’s Works (Fol. 1640).—*B. M. Lib.* (*C.* 28 m. 11. *New Cat.*) It is not printed in any edition of his Works.

with but a clumsy grace when unwittingly he conjured from the shades the ghost of Overbury to grace the banquet :

May She, whome thou for spouse to day dost take  
Out-bee y<sup>t</sup> Wife, in worth, *thy friend did make* :\*  
And thou to her, that Husband, may exalt  
Hymen's amends. . . . .

*No endes*—in the purposed compliment? Why then did poet never greet the welcome dispenser of the ruddy wine; † flatter nobility in power; or lay approaching sap to the outworks of the laureateship in verse iambic. But

The sweetest things turn sourest in their deeds;  
Lillies that fester smell far worse than weeds;

and while the poet, in the wild enthusiasm of harmony, recklessly strung his harp to a discord, the murderer looked in at the portal for his pay. ‡

Some months earlier in the same year, Sir Henry Wotton had written of the expectation at Court, "that the king would fill up some at least of those places that had lain vacant so long, and in the time of their emptiness had been a subject of notorious opposition between our *great viscount* and the House of Suffolk." § The rival courtiers had since made an offering of their hostility at the altar of Hymen: the contest between them for high office and Court patronage was at an end; and thenceforward aspiring applicants for the royal good-will or patent privilege, must homage or supplant the combined power.

\* A Wife. Being the most exquisite and singular Poem of the choice of a Wife, &c. By Sir Thomas Overbury:—"which I suppose," writes Weldon, "was chiefly designed for the service of his lord."—*Court and Char. of King James*.

† Katherine dispenser of the ruddy wine;  
Thrice welcome back unto thy native land.

*Praise of Katherine of Berain.*

‡ Weston and Franklin both expressed discontent at their reward; and the latter—"Saith, on the marriage day of the countess with Somerset, she sent him twenty pounds by Mrs. Turner." Confession of James Franklin.—*St. Trials*, v. ii., c. 942.

§ Letter to Sir Edmund Bacon.—*Reliq. Wotton*, p. 408.

The game had been desperate; for it could hardly have escaped the wily Northampton, that in linking their fortunes with the Court favorite, the Howards were sinking their better claims on the king's gratitude, to share his favor with an interest—powerful at the moment—but ephemeral as the smiles that raised it from the dust. Nor may the policy at the moment be disparaged because Bacon, with the wreck of the coalition before his eyes, and his hopes on the supplanting favorite, counselled more stable ground-work than dependence on "personal respects only."\* The policy of the Howards had been determined, was successful, and the former opponents were content to share the prizes of the State; but the chief actor, Northampton,—the incarnation of evil—false before man, untruthful before God,—only survived to witness the temporary triumph of his schemes.† "The earl of Suffolk," wrote Sir Henry Wotton, on Midsummer morning, 1614, "is still beheld as a lord Treasurer, and that conjecture hath never

\* "It hath pleased the king," wrote Sir Francis Bacon to Sir George Villiers, "to cast an extraordinary eye of favour upon you, and you express yourself very desirous to win upon the judgment of your master, and not upon his affections only. I do very much commend your noble ambition herein, for favour so bottomed is like to be lasting; whereas if it be built upon the sandy foundations of personal respects only, it cannot be long-lived." Letter of advice for his better direction in the eminent place of the Favorite.—*Cabala*, p. 37.

† The earl of Northampton died the 15th June, 1614, at the age of seventy-five. On the following day Sir Henry Wotton wrote to his nephew: "The earl of Northampton, having after a lingering fever, spent more spirits than a younger body could well have borne, by the incision of a wennish humour grown on his thigh, yesterday between eleven and twelve of the clock, departed out of this world: where, as he had proved much variety and vicissitude of fortune in the course of his life, so peradventure he hath prevented another change thereof by the opportunity of his end: for there went a general voice throughout the Court on Sunday last, upon the commitment of Dr. Sharp and Sir Charles Cornwallis to the Tower, that he was somewhat implicated in that business . . . ."—*Reliq. Wotton.*, p. 434.

fainted since the first rising of it. But it is thought that the dignity of Privy Seal\* shall lye vacant as it did in the Cecilian times, and the execution thereof, with the title of lord Chamberlain, shall be laid on my lord of Somerset; for if my lord of Suffolk should remove from the king's privacy to a place of much distraction and cumber, without leaving a friend in his room, he might peradventure take cold at his back; which is a dangerous thing in a Court."† The coalition had provided against the hazardous contingency to which courtiers out of the sun's rays were said to be liable. In a few days the long contested vacancies were supplied: the earl of Suffolk became lord Treasurer, vacant since the decease of the earl of Salisbury;‡ Somerset succeeded the earl of Suffolk as lord Chamberlain;§ and though Northampton was no more, it was still the triumph of the coalition—the triumvirate—under which, in the emphatic language of archbishop Abbot, for a short time "the kingdom groaned."|| But excessive power indiscreetly used

\* Vacant by the death of the earl of Northampton.

† Reliq. Wotton., p. 437.

‡ May 24, 1612.

§ July 10, 1614. Mr. John Chamberlain to Sir Dudley Carleton. Lett. dat. July 21.—*Court and Times of James the First*, v. i., p. 335.

|| Rushworth, Hist. Collect. v. i., p. 456. The impressive diction of the archbishop is only to be appreciated by contemplating the excessive prerogative of the Crown, and the power of the "Favorite," who, for good or evil, might have it at his command. Bacon has discussed this matter with becoming gravity, in his Letter of Advice to Sir George Villiers. "For facilitating your despatches," wrote the learned lawyer, "my advice is, that you divide all the petitions, and the matters therein contained, under several heads, which, I conceive, may be fitly ranked into these *eight* sorts." They embraced the whole foreign and domestic policy of the country, and the government in church and state. "And whatsoever" he adds, "will not fall naturally under one of these heads, believe me Sir, will not be worthy of your thoughts, in the capacity we now speak of. And of these sorts I warrant you, you will find enough to keep you in business."—*Cabala*, p. 38. Well might the dying Cecil, exclaim: "Ease and pleasure quake to hear of death, but my life, full of cares and miseries, desireth to be dissolved."

A witness on the trial of Somerset explained how one of these heads

worked its own ruin. "For his many insolencies," adds the writer, "the king grew weary of Somerset."\* "The king's eye," wrote Sir Anthony Weldon, "being satiated with the old, began to wander after a new favorite";† and a new triumvirate arose equal to the occasion, with a new favorite qualified to supply the coming void. George Villiers was a young gentleman of admirable bearing and very sweet hope; his carriage free and debonair: his passions even and smooth, and one saith, carried in his pocket: his nature noble and open: his temper industrious and inquisitive; his intellectuals clear and capable; his mind tractable and docile; his spirit resolute and undaunted. The courtiers wished him well because he was an Englishman; the nobility favored him, because a gentleman; the ladies had a kindness for him because the exactest courtier in christendom. The king observed him much for his complete body, more for his pregnant parts; and Bedford, Pembroke and Hertford consulting Somerset's removal, and finding the king's good nature loth to leave the bosom of one minion until he had reposed himself on another, made it their plot to advance him.‡ Somerset became aware of the combination he had to encounter: conscience made him sensible of his weak points; and while decadence in the king's favor was apparently far distant--perhaps unforeseen, he sought refuge in an immunity that might defy augury

might be employed for the profit of the under-minion or his chief. Sir David Wood stated that he had obtained the King's consent to a suit for which he was petitioner, and that he was crossed by my lord of Rochester and Sir Thomas Overbury. That his suit would have been worth £2200, but that Rochester would not let it pass unless he might have £1200.—*State Trials*, v. ii., c. 925. And Sir Francis Bacon wrote to the king: "When I moved your majesty for the Attorney's place, though it was your sole act, Somerset, when he did know your majesty had resolved it, thrust himself into the business for a fee."—*Cabala*, p. 26.

\* Rushworth, *ut supra*.

† Court and Charact. of K. James.      ‡ Lloyd, *State Worthies*.

of ill, and present defiance to all assailants. "At my lord of Somerset's entreaty," said Sir Robert Cotton, "a little before Michaelmas last, I furnished him with a draft of the largest pardon; the precedent was that of Henry Eighth to Cardinal Wolsey,—as I told him if he desired such a one, the best way was to follow precedent."\* The pardon was read, and after other offences of small account, "treason and murder had been foisted in."† The royal sign manual had been obtained; but the venerable chancellor Ellesmere, in his majesty's absence, stayed it at the seal; and explained to the king the danger he incurred in passing it. Failure, in a design of so great moment, gave encouragement to enemies, consistency to rumours. Foul whisperings were abroad. "Murder will out"; and "about the beginning of the last progress," said Mr. Attorney Bacon, "it brake forth."

The king took his departure from Whitehall accompanied by the lord Chamberlain; when at Royston, the latter suddenly returned to London: Coke had sent for him. Coke *send* for me? The favorite resented the indignity; and appealed to the king to redress the insult. "Thou must go, man," said the king, "and if Coke sent for me, I must go too."

Dazzled thus with height of place,  
 Whilst our hopes our wits beguile,  
 No man marks the narrow space,  
 'Twixt a *prison* and a *smile*.

Then since fortune's favours fade,  
 You that in her arms do sleep,  
 Learn to *swim* and not to *wade*;  
 For the hearts of kings are deep.‡

\* \* \* \*

"Never," writes Sir Anthony Weldon, "did the earl part from the king in more seeming affection than at this

\* Evidence on the trial of the earl of Somerset.

† State Trials, v. ii., c. 992.

‡ Sir Henry Wotton. "Upon the sudden restraint of the earl of Somerset, then falling from favour."—*Reliq. Wotton.*, p. 383.

time when he knew Somerset should never see him more; and had you seen that seeming affection, as the author himself did, you would rather believe he was in his rising than his setting.”\*

Arrived in town, Somerset soon found himself in custody, on a warrant of the Chief Justice; and under the charge of Sir Oliver St. John, was lodged at the house of the dean of Westminster.†

Sir Gervase Elwes, seeking some favor at Court, had been entrapped to confess so much respecting the death of Sir Thomas Overbury, as might clear himself of all guilty knowledge: the king before he left town, had appointed commissioners to examine into the truth of reports that had become current; and though he dissembled to the last, had already withdrawn his countenance from Somerset, as a principal instigator of the crime. Coke, in the interest of the new favorite, was indefatigable in the investigation; and on the day following the committal of the earl of Somerset to custody, Weston, one of the principals in the murder, was brought to the bar; but acting under influence, refused to plead to the indictment. The severity of a few days treatment in prison, with the pious exhortation of the Chief Justice on the sin of self-murder, brought him to a confession; and on the 25th October, he was hanged. On the 1st November, the countess was placed under restraint, in the charge of Sir William Smyth, knt., at the Blackfriars;‡ and on the following day, the earl was committed to the Tower.

Sir Gervase Elwes was hanged on Tower Hill, on the 20th November; Franklin, the apothecary, who had

\* Court and Character of King James.

† Oct. 18, 1615.

‡ Here, in the following month, her child was born. The baptismal register of St. Martin, Ludgate, has the following entry: “1615. Dec. 16. Anne, daughter of Sir Robert Carr, earl of Somerset, sometime lord Chamberlain. Bapt.”—*Lond. Rediviv.*, v. iv., p. 357.

supplied the medicines to "refine"\* his unhappy prisoner, met the same fate at Tyburn; where poor Mrs. Turner, very penitently, in presence of a fashionable assemblage, ended her days, in a "cobweb lawn ruff, starched yellow,—a ridiculous and fantastic French mode, which will now, I believe," writes Howell, "receive its funeral."†

"Mrs. Turner, Weston and Franklyn," writes Sir Anthony Weldon, "began the tragedy; and the two former had been hanged for killing Overbury with poison, when Franklyn confessed that he had been smothered to death not poisoned to death, though he had poison given to him."‡ "Here was Coke," adds the same writer, "glad to cast about to bring both ends together." He contended that an indictment for killing by poison was good, though the victim died by other means: for he "being the quintessence of law, told the jury that if a

\* "What mean they to do with me?" asked Overbury of the newly appointed Lieutenant. "They mean to refine you," replied Elwes.—*State Trials*, v. ii., c. 937.

† Letters, v. i., p. 4. 1691. Mrs. Turner was tried the 7th November, and executed the following Wednesday. On her trial C. J. Coke told her "she had the seven deadly sins (enumerating them to her), and that she was daughter of the devil Forman."—*St. Tr.*, v. ii., c. 935. A very interesting account of the execution of the "poor broken penitent," by an eye witness, describes her dressed, with "powdered haire, yellow band, and the rest of the wardrobe of Court vanities. Her body was taken down" adds the writer, "by her brother, one Norton, servant to the prince, and carried to St. Martin's in the Fields, and had decent burial."—*Cott. MS. Titus, B. VII. fo. 480.*

‡ "Weston and the apothecary, on the 14th September, gave Sir Thomas Overbury sublimate of mercury in a clyster; and he was poisoned with that clyster."—*State Tr.*, v. ii., c. 913, 924, 927. Sir A. Weldon writes, that Franklyn and Weston came into Overbury's chamber, and found him in infinite torture with contentation between the strength of nature and the working of the poison; and it being very like that nature had gotten the better in the contentation by thrusting out of boils, blotches and blains; they fearing it might come to light upon the judgment of physicians that foul play had been offered, agreed to stifle him with the bed clothes.—*Court and Character of K. James*, p. 75.

man be done to death with pistols, poniards, swords, halter, poison, &c. so he be done to death, the indictment is good; but the good lawyers of these times," says Weldon, "were not of that opinion; and did believe that Mrs. Turner was directly murdered by Coke's law, as Overbury was without any law."\*

"The blood of Overbury," wrote Sir Francis Bacon to the king, "is already revenged by divers executions."† But his opinion of Coke's law and of the precedent convictions will appear from his prologue to the trial of Somerset. "I said to your majesty," wrote the king's Attorney, "that which I do now repeat, that the evidence, upon which my lord of Somerset standeth indicted, is of a good strong thread, considering impoisoning is the darkest of offences; but that the thread must be well spun and woven together: for your majesty knoweth, *it is one thing to deal with a jury of Middlesex and Londoners, and another to deal with the Peers.*"‡ It was well understood, however, between the king and his Attorney, that,—the blood of Overbury avenged,—the late favorite should be crushed with all the tenderness that might *ensure his ruin*: and "in the case of an acquittal," wrote Bacon, "the lord Steward must be provided what to do. For, as it hath never been seen (as I conceive it) that there should be any rejecting of the verdict, or any respiting of the judgment of the acquittal; so on the other side, this case requireth, that because there may be many high and heinous offences (though not capital) for which he may be questioned in the Star chamber, or otherwise, that there be some touch of that in general, at the conclusion, by my lord Steward of England. And that therefore he be remanded to the

\* Court and Character of King James, p. 108. See Coke's charge to the jury on the trial of Richard Weston.—*St. Tr.*, v. ii., c. 924.

† Cabala, p. 55.

‡ Sir Francis Bacon to the king, Jan. 22, 1618.—*Cabala*, p. 31.

Tower, as close prisoner.”\* And this will be still more apparent from an earlier letter to his majesty, when the Courts of Chancery and Common Law were at issue on the prerogative of their jurisdiction. “There is no thinking of arraignments,” wrote the king’s Attorney, “until these things be somewhat accommodated, and some outward and superficial reconciliation at least made between my lord Chancellor and my lord Chief Justice; for this accident is a *banquet to all Somerset’s friends*.”†

Indictments had been preferred against the earl and countess of Somerset, in January,‡ but the month of March had arrived before the latter was removed to the Tower. On the 27th, Sir George More, by warrant from the Court at Whitehall, received the countess as close prisoner.§ “The lady Somerset,” wrote John Chamberlain to Sir Dudley Carleton, “was committed to the Tower upon so short warning, that she had scant leisure to shed a few tears over her little daughter at the parting, Otherwise she carried herself constantly enough, saving that she did passionately deprecate and entreat the lieutenant that she might not be lodged in Sir Thomas Overbury’s lodging.”||

On the 25th May, the earl came to his trial in Westminster Hall. “My furthest intent,” said Somerset, “in the imprisonment of Overbury was, that he should be no impediment to my marriage; and this I communicated to lord Northampton, and Elwes, lieutenant to the Tower.”

\* Sir Francis Bacon to the king. April 28, 1616.—*Cabala*, p. 56. Among the offences laid to Somerset’s charge, Wilson mentions “stealing the Crown Jewels.”—*Life and Reign of K. James*. A writer of news (Nov. 28, 1615, when Somerset was in the Tower) states: “Sir Robert Cotton, the antiquary, hath withdrawn himself *et in angulis lapsit* Jewels of the lord of Somerset to the value of £60,000 were lately surprised, that had been committed to Cotton’s house.”—*Cott. MS. Titus*, B. VII., fo. 480.

† Bacon to the king. Feb. 21, 1616 — *Cabala*, p. 30.

‡ January 19, 1616. § Kempe, Losely MSS., p. 396.

|| Court and Times of James the First, v. i., p. 396. Sir Walter Raleigh’s lodging was prepared for her.

"You could not couple yourself worse than with those two," observed serjeant Montague.\* Did not the earl perceive that his confession gave admittance to the evidence and actions of those persons to his conviction? "I will shew you," said Mr. Attorney Bacon, "that it was but a toy to say the malice was only in respect he spake dishonorably of the lady, or for doubt of breaking the marriage; for that Overbury was coadjutor to the loves: and again, it was too late for that matter, for the bargain for the match was then made and past."† The countess had explained, or was reported to have said, "That the cause of this hatred of Sir Thomas Overbury was, he would pry so far into my lord of Somerset, that he would put him down."‡ "My lord of Somerset got him into the trap," said Bacon, "and amused him with continual hope of liberty;" and when the delusion failed with the prisoner, it was continued to the latest moment with his friends,§ until the foul deed, tardily conducted, had been accomplished.||

Sir Robert Cotton, whose fame as an antiquary has survived his misdeeds, told the Court, that "My lord delivered into his hands many of Sir Thomas Overbury's letters; that he cut and dated them by my lord's direction; and that he put in dates to some of the letters,

\* State Trials, v. ii., c. 994.

† Ibid., c. 354.

‡ Franklin's examination.—*Ibid.*, c. 982.

§ The letters of the viscount Rochester to the parents of Sir Thomas Overbury, a few days before his death, to induce them to quit London and go home, in the certainty of their son's immediate enlargement, (*State Tr.*, v. ii., c. 984.) must be read in connection with the same "constancy of affection," declared on his behalf by the arch-spirit of dissimulation, Northampton, to the lieutenant of the Tower and the earl of Rochester, a few days later.—*Ante*, pp. 546, 548.

|| Weston said he had given Overbury as much poison as would kill twenty men. And Franklin stated "that my lady Essex told him she that day had received a letter from my lord of Rochester wherein he wrote, that if Weston did not presently dispatch, Sir Thomas Overbury would be out."—*State Trials*, v. ii., c. 948, 986.

the next day, after Weston's arraignment. I advised my lord to keep them," added the antiquary; but the earl, notwithstanding their mutilation, wiser by intuition, told the Court that he had burnt about thirty of them.\* "I also confess," added Somerset, "that Sir Robert Cotton delivered me back those letters I had sent my lord Northampton; all which, the evening before my committal to the dean of Westminster, I burnt."† But the letters he had received *from* the earl of Northampton, had been preserved; they were found by the persevering industry of Sir Edward Coke; and were produced as presumptive—but convincing evidence of the guilt of both.

The countess of Essex had doubtless been a criminal agent of the man whose fortunes had been made her own. \*A woman of her ardent passions might be expected readily accessible to the extremes:—

Firmest in sorrow,

Yea—in guilt.

In the several examinations she underwent, it was found difficult to extract from her a word that might criminate her husband.‡ Her own participation appeared in the following letter addressed to the lieutenant of the Tower:

"I was bid to bid you say, that these tarts came not from me; and again, I was bid to tell you, that you must take heed of the tarts because there be *letters*§ in them; and therefore neither you, your wife nor children must

\* State Tr., v. ii., c. 990. † Ibid., c. 987, 991. ‡ Cabala, pp. 33, 34.

§ "Lady Somerset examined, saith, by *letters* she meant poison."—*St. Tr.*, v. ii., c. 989. Sir Gervase Elwes said: "I never knew any other meaning in the countess's words in her letter but the bare literal meaning; and after I had received the tarts and they had stood awhile in my kitchen, I saw them so black and foul, and of such strange colours, that I did cause my cook to throw them away and to make other tarts and jellies for him."—*Ib.* 939. "My lady of Somerset saith, that—for the person that did bid her send the tarts to Helwish's wife, it was Northampton or Weston, not pitching upon certainty, which."—Letter of Sir Francis Bacon to Sir George Villiers, May 2, 1616.—*Cabala*, p. 33.

partake of them; but of the wine you may, for there are no *letters* in it. Sir Thomas Monson will come from the Court this day, and then we shall have other *news*.”\*

Undignified, unmanly, of one who had dared the king to bring him to trial, was the conduct of the earl. “It is contended,” said Somerset, “that I should cause poisoned tarts to be sent him† to the Tower: my wife in her confession, saith, that there were none sent but either by me or her,‡ and some were wholesome and some not. Then it must needs follow, that *the good ones were those which I sent, and the bad hers*.”§

The ungenerous and inconclusive suggestion did not affect the innocency or guilt of the countess, which had been determined by herself on the previous day; but Mr. Attorney Bacon took occasion to remind his auditors that the preparations for the crime,—the placing of Sir Gervase Elwes lieutenant of the Tower; the displacement of Cary, and the substitution of Weston, as under-keeper,—(instruments in the empoisonment,)—within fifteen days after the imprisonment of Overbury,—was by the means and contrivance of the earl of Somerset and others:¶ and was a business the lady’s power could not reach to.¶ Little however need be said for the innocence of one who had nothing to say in her own defence. When called on to

\* State Trials, v. ii., c. 989. Perhaps *news* had a double meaning. Symon Mason, musician in the service of Sir Thomas Monson, examined, saith: He was sometimes employed to carry the tarts to Overbury; which caused the Chief Justice to charge him with having a *hand* in the business. “No my lord,” he replied, “I had only a *finger*; which has cost me all my hair and nails.”—*Somers’ Tracts*, v. ii., p. 323.

† Overbury.

‡ “Lady Somerset saith, she *knoweth* of no tarts &c. sent to Overbury, but either from herself or my lord.”—*State Trials*, v. ii., c. 989.

§ Ibid., c. 994.

¶ “I took him,” (Weston) said Elwes, “from the recommendation of my lord Northampton and Sir Thomas Monson, whom I knew to be my friends. It is true I gave him no wages.”—*Ibid.*, c. 939.

¶ Ibid., c. 977.

plead, the countess, "in a faint voice, wonderful fearful," said "I am guilty;" and when asked why judgment of death should not be pronounced against her; in a tone inaudible to the lord Steward, but repeated by Mr. Attorney, she replied: "I can much aggravate but nothing extenuate my fault: I desire mercy; and that the lords will intercede for me to the king."\*

Mr. Attorney Bacon thought there was ground for mercy in her penitency and free confession:† and, concurring with the wishes of the king,—“It shall be my care,” he added,—in the prosecution of the earl, “so to moderate the manner of charging him, as it might make him not odious beyond the extent of mercy.”‡ How then less than mercy should have been awarded to his wife, an agent, not a principal in his crime? It remained for the family historian of her house, two centuries later, to reverse the judgment. “This notorious lady,” writes Mr. Howard of Corby, “with her second husband, ought, in due regard to the equal distribution of justice to have suffered death.”§ There are living penalties of more terrible endurance. “The great downfall of so great persons,” wrote Bacon to the king, “carrieth in itself a heavy punishment, and a kind of civil death although their lives should not be taken.” The countess endured more than the momentary sufferings of a violent death in the remorse and anguish of after years. She died in 1632, at the age of forty-two; and was buried with her family at Walden, the 27th August.||

The lady Anne Carr, only child of this ill-starred alliance, inheriting the womanly attractions of her mother and grandmother; with more careful training, arrived at honor and sustained the nobility of her rank in unblemished fame. In 1637 she married the heir of the House of Bedford, who succeeded to the earldom in 1641;

\* State Trials, v. ii., c. 957. † Cabala, p. 55. ‡ Ibid, p. 56.

§ Fam. Mem., fo. 1836. || Walden Parish Reg.—*Hist. Audley End.*

and was mother of the unfortunate William lord Russell, brought to the block in 1683, on the evidence of men equally despicable though less remembered in this history, than his cousin, the "infamous Escrick." The countess survived the calamity only a few months; and a dukedom to the father in after years, was the sad memorial of the virtues of her son.\*

The two elder daughters of the first earl of Suffolk have occupied so much the attention of history as to leave their sisters in the shade. Happily there are no glaring errors in the quiet story of the younger to require apology or explanation; no great faults to extenuate or occasion appeal for mercy. The lady Katharine Howard was born in 1594, and in 1608, the year following the more celebrated nuptials of the countess of Essex, was married to the lord Cranbourn, son and heir of the lord Treasurer. She was fourteen, he eighteen at the time of the celebration; and after strengthening the intimacy of the two families by this alliance, as in the case of the last mentioned little "wheel" of the State engineer, the young couple were separated—till time should ripen a happy co-union. In this case happily, the co-union was not blighted by any tincture of Court sophistications, or the politics of intervening events. The lord Cranbourn visited France and Italy to receive the last touches in the education of a courtier,† and returned to claim his bride and succeed to his earldom. In 1612 the lady Cranbourn,

\* In 1694, William, earl of Bedford, was created marquess of Tavistock and duke of Bedford, "as the father of lord William Russell, the ornament of his age;—to solace his excellent father for so great a loss; and to celebrate the memory of so noble a son."—*Pat. 6 W. & M.* Anne, countess of Bedford died in 1684, in the sixty-ninth year of her age (the authorities say she was sixty-four); and was buried at Chenies, co. Bucks., where her figure in a winding sheet forms portion of the noble monument erected to the memory of herself and the duke.

† Letters of Sir Dudley Carleton to the earl of Salisbury. Lord Cranbourn returned to England accompanied by Sir Henry Wotton, on his way from Venice, in 1611.

became countess of Salisbury,\* and took precedence at Court of her eldest sister the lady Knollys, whose lord, treasurer of the Household, crept slowly in peerage honors. The qualities of the statesman had been exhausted in the second Cecil; and William earl of Salisbury made his appearance on the political horizon with the qualities of a respectable country gentleman in quiet times. "He was a man of no words," writes Clarendon, "except in hunting and hawking. He had been born and bred at Court, and had the advantage of a descent from a father and a grandfather who had been very wise men and great ministers in the eyes of christendom; whose wisdom and virtues died with them, and their children only inherited their titles." The earl does not shine in the pages of the historian of the rebellion. He vacillated between the right and the wrong of either party; and undecided by his own judgment, fell in with the policy of his wife's brother, Edward lord Howard of Escrick. "When the war was over," adds Clarendon, "and Cromwell had put down the House of Peers, he got himself to be chosen a member of the House of Commons; and sat with them, as of their own body; and *was esteemed accordingly.*"†

It was the happiness of the lady Katharine Howard that her marriage with the son of the lord Treasurer, was politically right, not physically wrong; and she blessed her lord with a numerous progeny to strengthen his House by alliances and continue his line:

Be this a woman's fame; with this unblest,  
Toasts live a scorn, and queens may die a jest.

A daughter Margaret, likely enough to have been named after her grandmother Audley, is noticed by the industrious collector of the *Family Memorials* of Howard, to have been another daughter of Thomas earl of Suffolk. "She

\* Anne, first daughter of William earl of Salisbury, was baptized at the Chapel Royal, Whitehall, Feb. 12, 1613.—*Lond. Rediviv.*, v. iv., p. 275.

† *Hist. Rebellion*, v. ii., p. 210.

is mentioned in Lilly's *Stemma*," writes Mr. Henry Howard of Corby, "and her death in 1608 is noted by lord William Howard, in his copy of Smith's *Baronagium*; but I do not find her mentioned in any other pedigree." Besides these, he adds, "there are at lord Suffolk's at Charlton, portraits of the lady Emily Howard, born 1589, and of the lady Gertrude Howard, dated 1623, by Cornelius Janson; both well painted; and by the dates they must have been daughters of the first earl of Suffolk; but no mention of them is made in any *Stemma* that I can discover."\* There they are, however, in portraiture, names and date, so precise, as to have brought the chronicler of the family facts to the only conclusion at which he could arrive. Stars missing from the constellation of the heraldic heavens, they are unnoticed by the genealogical historians who successively have described the family history; and whether they are to be placed simply among the *ignoti*, or with the *rejecti* of the College of Arms, does not come within the province of this inquiry to determine; but while the pedigree of the Suffolk Howards, in its male and female scions, is shown to have been so imperfectly chronicled, any theory such as that propounded by the Earl Marshal's Secretary, must be wholly inadmissible, as it was unjustifiable at the time, for the unworthy purpose proposed.

Sir Charles Howard of Somersham, must still be considered, without reproach of blood or ancestry, as he had described himself, "of the House of Suffolk;" and Mr. Walter Howard—for the simple reason that the descent proposed for him seemed wanting of proof,—must be absolved from the adoption of an ancestor he did not claim. Unidentified as other *ignoti* of the College of Arms, his sorrows on earth had many years ceased by nature's limitation, when a learned Antiquary and County Historian, of diligent research and patient investigation,

\* Fam. Mem. 1836.

incidentally picking up the thread of inquiry the unhappy man had so many years unavailingly pressed on the attention of Charles duke of Norfolk, retraced the Herald's Office pedigree of the heir of Poverty, to a source of nobility, not less honorable than the Suffolk line.

The Howards of Naworth are descended from the third son of Thomas duke of Norfolk, beheaded in 1572; the Houses of Arundel and Suffolk taking precedence by seniority of birth. The lord William Howard of Naworth was the duke's younger son by his second wife, daughter of the lord Audley of Walden; Thomas lord Walden, created earl of Suffolk, being his elder brother; and Philip, earl of Arundel, son of the duke's first marriage, with the heiress of Albini. By the provident forethought of his illustrious parent and the operation of feudal law, the lord William Howard had been contracted in early infancy to the younger of the duke's wards, Elizabeth Dacre, who eventually became coheiress with her sister of the family estate;\* and from the wide extent of her possessions, has been described *Bessie with the braid apron*. Her husband, *Belted Will* of Naworth Castle (portion of her inheritance), is too well known in border story for the severity of his wardenship of the western marches, to require further identity.† He was not, however, the mere border chieftain, noted for rough vigilance and summary justice, or the ruffianly headsman depicted in his personal

\* Ante, p. 336. It had been the policy of the duke to marry the male heir of the Dacres to his daughter Margaret; but George lord Dacre was accidentally killed in boyhood when practising the vault into the saddle on a wooden horse; and Mary Dacre, affianced to the lord Thomas Howard, the duke's second son, died before she arrived at an age to consummate her marriage. Anne, the elder coheiress, countess of Arundel, under the spiritual guidance of the Jesuit, father Southwell, became the model of austere virtues described by her biographer and confessor.

† The wardenship of the marches appertained to the Dacres. Thomas Dacre of Gillesland, so constituted by Henry VIII., was one of the conquerors at Flodden Field. He married the heiress of Greystoke, which eventually passed to the Howards.

portraiture:\* in addition to the stern qualities of a soldier, he was a student, a man of letters, an antiquarian collector;† and if Camden and family traditions say truly, editor of the printed chronicle of Florence of Worcester, dedicated to William lord Burleigh; attributed by the historians of the University of Cambridge to another of his name.‡

From this noble pair descended a race of sons conspicuous for their loyalty and devotion to the royal House of Stuart. The South, however, claims their birth: Mr. Howard of Corby supposes them to have been born at Enfield Chase;§ and it was not until the last year of king James that lord William Howard took up his residence at Naworth, with his sons and daughters, their wives and husbands, numbering fifty-two persons in family; and a garrison of one hundred and forty men. But this force was not more essential for the protection of the border from the raids of freebooters, than the peace of the district by the enforcement of the law,—and it may be added of his own territorial rights as a landlord over his border domain: for as there had not been, for fifty years, a resident owner of the soil, lands formerly rendering dues to the lord had in many instances lapsed to possessive freeholds, in the occupation of men who acknowledged no mesne lord; and little regarded even the superior lord of the fee; for the king's writ would have been available to a very limited extent without the impressive means of power to enforce

\* See Family Memorials, by Henry Howard of Corby, esq. Pennant noticed the "stern head" of the lord Marcher at Corby Castle.—*Gough, Top.*, v. i., p. 283.

† See Cott. MS. Some of his Collection are among the *Harl. MSS.*

‡ Athen. Cantab., v. ii., p. 203. Compare Fam. Mem. by Henry Howard of Corby, esq.

§ Mount Pleasant; where lord William Howard resided in 1620. In 1622 he had a house in St. Martin's Lane; and in the following year took up his residence at Thornthwaite, in Westmoreland, an estate purchased of the Curwens, while Naworth Castle was under repair.—*Fam. Mem.* There are circumstances however, that infer an earlier residence in the north.

it. "Sir William Hutton, the earl of Cumberland's chief manager," wrote the lord Warden, "did confess in his majesty's presence at Carlisle, in August, 1617, that there was not a true man in my lord of Cumberland's bounds in Liddale, to make a constable or officer to apprehend a malefactor."\* Such was the lawless condition of the border at the period when the lord William Howard undertook to reduce it to social subjection; but in addition to the preservation of the king's peace, he found himself involved in expensive suits at law with the customary tenants of his barony of Gillesland; and it was some years before he had finally established his rights over litigants zealous in combination to oppose authority in whatever shape it might appear. It was under these adverse circumstances and a limited rent-roll, that the lord Warden found it necessary for a time to restrain his personal expenses to twenty shillings a month.† But he lived long enough to improve his noble coparceny of the Dacres, and to purchase other lands for the honorable settlement of his numerous family in the grade of respectability to which the younger collateral scions of a noble family in the second generation might be expected to descend. Previous to his settlement permanently in the north, he had added to his possessions the lordships of Plenmeller and Haltwistle, with other manors, lands and townships, conveyed to him by his nephew the lord Walden,‡ which had probably become of little value in the possession of an absentee proprietor. Lord William Howard died at his castle of

\* Lord William Howard's Narrative. Sir Dudley North relates, that the gentlemen of the county who formed the grand jury, were obliged to go armed to the assizes; and a custom still prevails that each of the judges on leaving Newcastle to cross the border, receives a present from the Mayor, of a Jacobus to procure a dagger for defence during the journey.—*Fam. Mem., by Henry Howard of Corby, esq.*

† Family Memorials, by Henry Howard of Corby, esq.

‡ Ante, p. 504; Hodgson, *Hist. Northumb., v. iii., pt. ii., p. 343.*

Naworth, in the year 1640; his wife, the lady Elizabeth, after a wedded life of sixty-three years,\* having, by a few months, preceded him to her rest.

Children of this marriage, were three daughters: Elizabeth, wife of Sir Henry Bedingfield, of Oxburgh, co. Norfolk, knt., a royalist of mark, distinguished by the imprisonment of his person and confiscation of his estate;† Margaret, who married Sir Thomas Cotton, eldest son of Sir Robert Cotton the antiquary; and Maria, wife of Sir John Wintour, of Lydney, co. Gloucester, knt., who risked life and fortune in the service of the king.‡ Of the sons: Sir Philip Howard, knt., the eldest, was ancestor of the noble house of Carlisle; and the manor and castle of Hinderskelf, part of the Dacre inheritance, forms the princely domain of Castle Howard.

The second son was Sir Francis Howard of Corby Castle.§ He married Mary, one of the daughters of Sir Henry Widdrington, sister of William lord Widdrington, slain with other noble royalists in the civil war. Sir Francis was also deeply involved in the royal cause. He was a popish recusant excluded from the Articles of peace in 1646;|| and after being committed to the

\* Lord Braybrooke found the marriage of the lord William Howard and the lady Elizabeth Dakers, recorded in the Walden Parish register, October 28, 1577.—*Hist. Audley End*.

† Sir Henry Bedingfield and his two elder sons joined the royal standard in the struggle between king and parliament. Thomas, the eldest, Colonel of Horse, received wounds of which he died. Sir Henry being taken prisoner, was committed to the Tower, and his estate confiscated. The second son, Henry, captain of Horse, after the restoration, presented to Charles the Second a calculation of the losses of his family in the royal cause, amounting to £47,194 18s. 8d. His majesty could only look at it with concern, and reply, that it was too large a sum for him to recompense; but a baronetcy was conferred.—*Playfair, Fam. Antiq.*, v. vi., p. 524.

‡ Seq. July 1651.—*Scobell*. Atkyns, *Hist. Gloucest.*, p. 282.

§ The manor of Corby was purchased by lord William Howard, in moities in 1610 and 1624, and settled on his second son.

|| Thurloe, *State Papers*, v. i., p. 80.

Tower for levying war against the parliament,\* was included in an act for the sale of the lands of delinquents.† His offences against the Commons were sufficiently prominent: at the cost of several manors in North Durham, under a commission from the earl of Newcastle, general of the northern district, he raised and maintained a body of four hundred horse for the support of the royal cause; and his eldest son, Colonel Thomas Howard, was slain at the head of his father's regiment of "Hargobuquiers," at Atherton Moor, in 1643.‡

Colonel Thomas Howard of Tursdale,§ youngest son of the lord William Howard, in common with the northern catholics, also joined the royal cause, and was slain in a sharp skirmish with Capt. Hotham and the parliamentary force under his command, at Piercebridge, 1st December, 1642;|| when his estate was placed under sequestration; and his son, of the same name, under the ban of popish recusancy,¶ endured the cold shade of puritan rule until the restoration of monarchy; when he emerged into a justice of the peace; but in 1692, he sold his estate at Tursdale;\*\*—and three daughters terminated his line of the Naworth Howards.

The sixth son of the lord William Howard of Naworth and Elizabeth Dacre, was Sir Charles Howard,†† described

\* Comm. Journ., v. iv., p. 414. † Ibid., v. vi., p. 567; v. vii., p. 148.

‡ Fam. Mem., by Henry Howard of Corby, esq.

§ The lord William Howard purchased the estate of Tursdale, in 1638, of William Bullmer, of Horwick, esq., for £1653, and immediately settled it on himself and the lady Elizabeth his wife, for life; remainder to his youngest son, Thomas Howard.

|| Buried at Conscliffe, Dec. 2nd.—*Surtees, Hist. Durham*, v. iii., p. 380.

¶ 1681. Thomas Howard of Tursdale, esq., recusant.—(Freeholders' Book).—*Ibid.*

\*\* The conveyance to William Wilkinson, of Crossgate, gent. is dated 24th June; and the purchase money £3950.—*Surtees, Hist. Durham*, v. i., pt. ii., p. 78.

†† Charles, fourth son; and George, fifth son, died in early infancy. (Lord William Howard's memoranda).—*Fam. Mem. by Henry Howard of*

of Croglin Hall, portion of his mother's inheritance, which came to him by settlement of his father in the apportionment of his lands among his children.\* Sir Charles Howard married Dorothy, daughter of Sir Henry Widdrington, sister of the wife of his elder brother, Sir Francis Howard of Corby†. Sir William Widdrington brother of these ladies, was "one of the most goodly persons of that age," writes Clarendon, "being near the head higher than most tall men, and a gentleman of the best and most ancient extraction in the county of Northumberland; and of very fair fortune."‡ In the 12th Charles the First he served high sheriff of the county; and represented it in parliament in the last years of the king's authority. At nearly the close of it, in 1640, on the decease of Theophilus earl of Suffolk, Sir William Widdrington became purchaser, for a valuable consideration by present and future payments, of the remaining portion of the border lands and manorial territory, parcel of the grant of James the First to the heiress of the earl of Dunbar and her heirs.§ It was a most unfortunate period for such an

*Corby, esq.* This fact will probably account for the discrepancy of the Heralds' Office records. Proofs, &c., [Extr. 8].—*Appendix.*

\* Nicholson and Burn, *Hist. Cumb.*, v. ii., p. 353; Hodgson, *Hist. Northumb.*, v. iii., pt. ii., p. 90; Fam. Mem. by Henry Howard of Corby, esq.

† Sir Henry Widdrington married Mary, daughter of Sir Henry Curwen, of Workington, knt.; and had several daughters besides those above mentioned; all named as legatees in the Will of their sister Ursula Widdrington, July 15, 1644; viz. Katherine, wife of Sir William Riddell; Mary, wife of Sir Francis Howard; Dorothy, married to Sir Charles Howard; Anne, wife of Sir Nicholas Thornton; Mrs. Selby, and Mrs. Gray.—Hodgson, *Hist. Northumb.*, v. ii., pt. ii., pp. 237, 542. Sir Nicholas Thornton, Sir Thomas Howard, bart., Sir William Riddell, and Mr. Gray of Morpeth castle, all of Northumberland, are named with others, in the Declaration of the Lords and Commons in Parliament, Oct. 12, 1642, as persons commissioned, under his majesty's authority, to raise men for his service.—*Parl. Hist.* v. xi., p. 460. Sir Nicholas Thornton of Netherwitton, had a commission (Oct. 20, 1643) from the earl of Newcastle, to be captain of a troop of *Hargobduziers* of one hundred men. (*Arch. El.*)—Hodgson.

‡ *Hist. Rebellion*, v. iii., p. 404.

§ Ante. p. 505.

*see the  
pedigree  
of Geo  
Washington*

acquisition. In the language of the Parliamentary historian, "things were again growing very critical between king and parliament."\* His majesty had urgent occasion for a supply of money to maintain his army, already on the march to overawe his rebellious subjects in Scotland, and "reduce them to a just and modest condition of their obedience and subjection."† But the Commons resolved to prefer a redress of grievances, to take precedence of any supply; and on their part the Scottish Covenanters gave a glance southward in military array for redress of their own particular wrongs. The marches were in a state of commotion. The passes on the border were strictly watched. Beacons were kept serviceable; and watches set "upon *spy cragg* and other places accustomed." On the 15th August intimation had been given by a spy that in a few days the Scots would enter England: on the 20th they crossed the Tweed, at a ford named *Cold-streame*; and before the end of the month they had defeated the king's army at Newborne; and were in possession of Northumberland and Durham.‡ The prospect was not hopeful either for occupier or lord of the soil. The friendly visit of the Scottish brethren, notwithstanding their protestations, was a heavy infliction on the

\* Parl. Hist. v. viii., p. 450.

† His Majesty's Declaration, &c. May, 1640.—*Ibid.*, p. 472.

‡ Rushworth, Hist. Collect., v. iii., pp. 1222-38. On their entry into England the Scots "manifested to their English brethren the lawfulness of their expedition, in six considerations." The fifth "concerneth the end for which this voyage was undertaken." An extract may suffice. "It is not to enrich ourselves with the wealth of England, nor to do any harm thereto. But on the contrary, we shall gladly bestow our pains and our means to do them all the good we can . . . Our conscience, and God who is greater than our conscience, beareth us record, that we aim altogether at the glory of God, peace to both nations, and honor of the king, in suppressing and punishing (in a legal way) of those who are the troublers of *Israel* the firebrands of Hell, the *Korhas*, the *Baalams*, the *Doegs*, the *Rabshakahs*, the *Hamans*, the *Tobiahs* and *Sanballats* of our time; which done, we are satisfied."—*Ibid.*, p. 1227.

counties they occupied. Whitelock tells of the seizure of large quantities of corn; and a tax of three hundred and fifty pounds a day levied on the bishoprick of Durham, and three hundred pounds on the county of Northumberland, as a compromise from plunder; besides the many insolencies committed on the English where they quartered. The rents and revenues of the bishop and dean and chapter of Durham they also seized to their own, and converted, as they termed it, from superstitious uses.\* Sir Thomas Riddell, in a petition to the king, described his own losses, in corn, hay, and produce taken; damages to his tenants despoiled, who thereby could pay no rent; and to his servants; "already to amount to one thousand five hundred pounds."† Nor did the treaty of Ripon, the following month, afford relief; for the maintenance of the invaders, then settled at eight hundred and fifty pounds *per diem*, was found so burthensome, that the English Commissioners thought it necessary to add the counties of Cumberland and Westmoreland "to assist towards the contribution according to their abilities."‡ "Many wondered," says Whitelock, "and some inveighed against this treaty, wishing the king would have put it rather to the issue of a battle, than to have given such terms to his subjects in rebellion; and of this judgment was Strafford and the Episcopal party; but the other party cried up the

\* Mem., p. 35. The petitions of the inhabitants of Northumberland and Durham, and tenants of the bishop and dean and chapter, are in Rushworth, *Hist. Collect.*, v. iii., pp. 1271-2.

† Sept. 1640. Rushworth, *Hist. Collect.*, v. iii., p. 1273.

‡ Articles for maintenance &c. October 16.—*Rushworth, Hist. Coll.*, v. iii., p. 1295. The payment was to be made weekly, on Friday; and by the "Articles for the cessation of Arms" (Oct. 26), it was further provided:—"That any non-payment of the contribution shall not be a breach of the treaty; but the counties and town (Newcastle) so failing, *it shall be left to the Scotch power to raise the same.*"—*Ibid.*, p. 1306. It was perhaps under the latter clause of the treaty that "inroads were made from their grand army to plunder different parts of the country."—*Parl. Hist.*, v. viii., p. 497.

treaty as just, honorable and pious.”\* The powerless king, reduced by the necessities of his position to accept the concessions made by the English Commissioners, who “were no bitter enemies of the Covenanters,”† was nevertheless of the former opinion; and when he met his parliament—his last parliament—in November, “the chasing out the rebels,” and “securing against the calamities the northern people endure at this time, and so long as the treaty is on foot,” were particular objects of his address from the throne.‡ But the Scotch element so far prevailed in the House of Commons as to countenance rather than discourage the lodgment they had made in the English border counties, which they had overrun and desolated with the voracity of a swarm of locusts; and from the self-denying protestations of their early occupation, as the power of the king receded before the advancing will of the Commons, so did the Scotch invaders advance their pretensions from the humble acceptance of “brotherly assistance” to the demands of a conquering power “ready to withdraw their forces upon reasonable terms.” “When they first came to England,” said Sir Benjamin Rudyard, “they published a remonstrance, that they would take nothing of the English but what they would pay for or give security. We have defrayed them hitherto, and have provided to do it longer.”§ As to the devastation committed by the inva-

\* Memorials of English Affairs, p. 37..

† Whitelock.

‡ Parl. Hist., v. ix., p. 17.

§ “They say,” added the same speaker, “that they do not make any formal demand; but they do make a sum to appear, £514,000, which is more than ever we gave the king at once.” An account laid before parliament June 17, 1641, shewed:—Received by and due to the Scotch, under the treaty, £220,750; besides £300,000 *Brotherly Assistance Money*, by a vote of the House, February 3. Their occupancy of the counties of Northumberland and Durham continued until August, 1641; when “care having been taken to satisfy all the demands the Scotch could make,” there was no longer any excuse to delay their departure, but some heavy rains; and to hasten the evacuation, a wooden bridge was ordered

ders,—“We could allege, and truly too,” he continued, “that Northumberland, Newcastle and the Bishoprick, will not recover their former state these twenty years. We have heard it spoken here in this House, by an understanding knowing member in this particular, that the coal mines of Newcastle will not be set right again for a hundred thousand pounds. A great deal more of this nature might be rehearsed, but I delight not to press such tender-stretched arguments.”\* The Scotch element in parliament was not less sensitive than the infliction of their visit oppressive. “We need not fear,” said one of their advocates, “that they intend to dispossess the English of their inheritance or freehold; being ready to withdraw their forces upon reasonable terms; referring their demands for reparation for losses, to the justice and courtesy of this House; which I assure myself will give both a bountiful, cheerful, and speedy supply in this case of necessity.”† A knight of Lincolnshire, could address the House with more disinterested equanimity than a knight of Northumberland; and Sir William Widdrington, adopting the style and language of the king’s proclamation, having called them *invading rebels*, so much distaste was taken, that he was required to explain himself; and standing up in his place to do so, captain Charles Price,‡ interposing,—“hoped the House, would give losers leave to speak, with all the favorable construction that one member ought to give another; for Sir William’s *whole estate was under the*

to be constructed over the Tweed. The deliverance was joyful; and the 7th September was set apart as a day of public thanksgiving for the happy conclusion of the Peace.—*Parl. Hist.*, v. ix., pp. 52, 58, 166, 375, 464, 477.

\* *Parl. Hist.*, v. ix., p. 166. Sir Benjamin Rudyard was one of the burgesses for Wilton. Rushworth says he was a servant of the king, and Surveyor General of the Court of Wards.

† Speech of Sir John Wray, bart., member for Lincolnshire.—*Parl. Hist.*, v. ix., p. 164.

‡ Member for Radnor. He was afterwards “disabled” for joining the king’s party at Oxford.

*power of the Scots.*”\* By the “Articles for the cessation of Arms,” concluded at Ripon, it had been provided that “the counties of Northumberland and Durham shall be the limits of the occupation of the Scotch army; and that both parties shall peaceably retain during the treaty whatever they possess at the time of the cessation.”† Thus during the twelve months that the treaty for peace was procrastinated, Sir William Widdrington’s whole estate was given up to the occupation of the invaders; and whatever claim he might have had on the national purse for loss and damage sustained, the unsettled times and the part taken by the unfortunate sufferer preclude all idea of any compensation having been received. Sir William Widdrington was a royalist; and as the Scotch element in the House of Commons widened into a breach with regal government as well as episcopacy, “he quickly,” says Clarendon, “got the reputation of being amongst the most malignant.”‡ On that memorable day, May 3, 1641, that united the House of Orange by marriage with the House of Stuart, he was publicly posted as one of the “betrayers of his country,” who voted against the attainder of the earl of Strafford.§ In the following year, Sir William Widdrington was “disabled from sitting in parliament, for refusing to attend the service of the House, and raising arms

\* Parl. Hist., v. ix., p. 237. “Sir William,” adds the report, “declaring ‘That he knew the Scots to be the king’s subjects, and would no more call them rebels;’ the House rested satisfied with the explanation.”

† Rushworth, Hist. Collect., v. iii., p. 1306.

‡ Hist. Rebellion, v. iii., p. 404.

§ Parl. Hist., v. ix., p. 248. Sir William Widdrington was connected with the earl of Strafford by the marriage of his uncle, Roger Widdrington of Harbottle, with Rosamond, sister of Sir George Wentworth, of Woolley, co. York. On the invasion of the Scotch, Mr. Roger Widdrington removed to Woolley such valuables as he could conveniently convey; and died the following year. The Inventory of the estate and effects of Roger Widdrington, late of Harbottle, esq., 5th March, 164½ states, that he was “bound in £540 for his nephew, Sir William Widdrington, taken up in Mr. William Gibson’s shop.”—Hodgson, *Hist. Northumb.*, v. ii., pt. ii., p. 254.

against the parliament.”\* As soon as the war broke out, writes Clarendon, he was of the first who raised both horse and foot at his own charge; and served eminently with them under the marquess of Newcastle, to whom he was nearly allied. It was a period when great services were needed, honors their only reward; and when the earl of Newcastle was advanced to a marquesate, Sir William Widdrington was created baron Widdrington of Blankney, in the county of Lincoln.† Doubtless lord Widdrington mustered all his friends; and when York withstood a siege of nine weeks, three thousand Northumbrians were among its defenders; but the hardly-contested victory over the king’s forces at Marston Moor, in the early days of July, was fatal to the tenure of the city and the power of the royalists in the north; and the defeated commanders under the marquess of Newcastle, viewing the battle as decisive, expatriated themselves in disgust of the ill-management and divided councils, or in despair of any successful continuance of the war.‡

Lord Widdrington, however, was again with his friends in 1651, when Charles the Second, after being crowned at Scone, marched southward to clutch the English sceptre by force of conquest. “At Warrington,” writes Clarendon, it was thought counsellable, very unfortunately, that the earl of Derby with the lord Widdrington and several other officers of good name, should return into

\* Aug. 26, 1642. Parl. Hist., v. ix., p. \*34.

† Pat. 10 Nov. 1643. Sir William Widdrington married Mary, daughter and heiress of Sir Anthony Thorold of Blankney, knt. Sir William Thorold, brother of Sir Anthony, created baronet in 1642, suffered sequestration of his estate for his loyalty to the king; and his near relative, Col. Daniel Thorold, (fourth son of Richard Thorold of Morton) was slain at Naseby, in the royal cause. The title of Widdrington was forfeited in the cause of the Stuarts, in 1716.

‡ Sanderson says, The marquess of Newcastle, his two sons, and his brother, Sir Charles Cavendish; lord Widdrington, Sir Edward Widdrington, Col. Basset, and upwards of eighty others, named in letters from thence, landed at Hamburg.—*Life and Reign of King Charles*, p. 724.

Lancashire, in order to raise the well affected there and in Cheshire." The small force of near two hundred horse, detached for this service, consisted for the most part of officers and gentlemen, to form the skeletons of regiments to be recruited. "In expectation of a good appearance of the people," adds Clarendon, the earl marched to a little market town, called Wigan, in Lancashire, where he stayed the night, having assurance, upon all the enquiry they could make, that there was no enemy near them." But it so happened that they were surprised in their beds. As many as could get to their horses presently mounted; they who could not, put themselves together on foot, and all endeavoured to keep the enemy from entering into the town; the few who were got on horseback charging them with great courage. The earl of Derby, after his horse had been killed under him, made a shift to mount again; and so, with a small body of horse, through many difficulties and dangers escaped wounded to the king at Worcester. The lord Widdrington after he had received many wounds and given as many, and merited his death by the vengeance he took upon those who assaulted him, was killed upon the place."\* White-lock says, besides lord Widdrington there were slain eighty officers and persons of quality; and lord Clarendon adds, that most of those who were taken prisoners, of any quality, were afterwards sacrificed as a spectacle to the people, and barbarously put to death in several places; some with the earl of Derby; and others, near the same time, in other places.†

Whether Sir Charles Howard was among the unfortunate cavaliers in the fight in Wigan Lane, on the 25th August, 1651, when his brother-in-law, Widdrington was slain; or with other of his family connections, he accompanied the main body of the king's army to the more

\* Hist. of the Rebellion, v. iii., p. 404.

† Ibid.

disastrous catastrophe at Worcester on the 3rd of the following month, has not been ascertained. The identity of his services is perhaps lost in imperfect personal description or in similarity of name;\* and whether he

\* Whitelock, (July 28th, 1645), notes, that the king's force at Skipton, fearing a siege, sent their horse to Newark; but a troop of Col. Bright's met with a party of them, killed divers, and took prisoners Sir Charles Howard of Naworth, some officers and twenty others.—*Mem.*, p. 163. On investigation, however, the prisoner thus knighted by the chronicler, appears to have been Charles Howard, grandson and heir of Sir Philip, eldest son of the lord William Howard. His history is found in the records of parliament. On the 23rd April, 1646, the case of Mr. Charles Howard of the North, came on for consideration before a Committee of Lords and Commons for sequestrations, upon depositions returned from the "Committee of Yorksheir," to whom it had been referred to examine witnesses, &c. The proofs against Mr. Howard shewed: That he was at Skipton Castle, the enemy's garrison; went from thence with a party of horse of the enemy, commanded by Col. Carnaby, towards Newark: upon the way they were set upon by a parliamentary party from Sheffield, commanded by Col. Bright, at Greenhill Moor, in the night, and were routed. Mr. Howard drew his sword, and discharged his pistol, and lost them in the pursuit; and he was taken next morning by the common people and brought prisoner to Sheffield, where Col. Carnaby sent him money for his relief. The fact of his drawing his sword and discharging his pistol was proved by Col. Bright's information on oath; and two swore that he confessed he was taken prisoner.

Gray and Morley, two of Howard's servants, who were with him at the supposed fight, denied that there was a fight. They were travelling, they said, with Col. Carnaby's party, at ten at night, to what place they knew not; and being set upon and frightened by the Sheffield forces, they fled without any fighting, and Mr. Howard was afterwards taken. He was never in arms against the parliament; and yet the king had offered him a regiment of gentlemen, which he refused. That he was at that time under the power and government of his [great] uncle and tutor, Mr. Robert Howard, [a Benedictine monk] who carried him whither he pleased, without his consent and against his will; being formerly bred up and kept by Sir Francis Howard, his [great] uncle, a papist, at Naworth, in Cumberland, in the popish religion; who intending to send him into France, being then but 15 or 16 years of age, conveyed him to Bristol, then in the king's hands; going thither through Chester and Wales, the king's quarters; and having been at Bristol about twelve weeks, shipped him for France, with the said Robert Howard, his tutor, and his two servants; and being wrecked at sea, they were cast upon a part of Lancashire, in the parliament quarters; whence they

lingered of wounds received in the field; ended his days in captivity, or in retirement under the pressure of adverse

departed, and travelling along the country, they were met by a party of horse from Skipton, who brought them thither; and going from thence the accident happened as aforesaid.

Mr. Henry Darley testified that he being in those parts, and using his best endeavours by letters and other means, to secure the said Mr. Howard to the parliament, he received a letter from him, dated from Skipton, by which he signified his desire to come to the parliament, if he might have a pass. This letter was dated three days before he was taken prisoner, but came not to Mr. Darley's hands till after.

That Mr. Howard was bred up a papist and confessed himself to be so before the Committee, about November last; but has since conformed by coming to church and receiving the communion; as was certified by Mr. Caudrey, minister of St. Martin's church; and is married to lord Edward Howard's daughter.

The Committee being of different opinions touching the sequestration of Mr. Howard's estate; it was thought fit to report the case to both houses of parliament, with the opinion of the Committee, that he is a fit subject for their favor.—*Lords' Journ.*, v. viii., p. 296.

After protest against the "Ordinance for taking off Howard's sequestration and clearing him of his delinquency" (*Ibid.*, p. 469), it was finally resolved, That upon payment of £4000 by Charles Howard, esq. unto the Commissioners of Revenue, the said Mr. Howard and his estate and the sureties of his deceased brother be discharged of the sum of £4000, payable for the wardship of his deceased brother, and also of his sequestration.—*Ibid.*, p. 477. This arrangement settled for the redemption of his estate, the penitent delinquent in September 1646, was permitted to quit the scene of his disaster, and depart the realm for Holland, with his servants and horses.—*Lords' Journ.*, v. viii., p. 499; whence, after a few years, he returned to take part in the politics of his native land.

Mr. Charles Howard is next found active for the parliament. The pages of Thurloe contain his letters to the Protector. Lord Clarendon's *State Papers* evidence his professions for the king.

In 1653, Colonel Charles Howard was "summoned" to represent Westmoreland in the "Barebones" parliament; (*Som. Tr.*, v. vi., p. 250.) and in the following year he represented Cumberland in the Protector's House of Assembly.—*Ib.*, p. 340. Addressing the Chief of the State, from Carlisle, August 9th, 1654, he subscribed himself "Your highnesses most dutiful servant" (*Thurloe, State Pap.*, v. ii., p. 533). June 20th, the following year, he renewed to the Protector his declaration of fidelity; and announced the arrest of several "malignants" at Newark (*Ibid.*, v. iii., p. 568). Early in the year 1655, letters from Newcastle relate how Capt. Howard and others had secured divers and some of quality, suspected of

circumstances, is undetermined. Mr. Henry Howard of Corby ascertained from memoranda in a family prayer-book, that his *obit* was kalendered the 3rd May; but the year of his decease had not been registered; though circumstances point to 1652. That he was a popish delinquent is noted in the chronicles; and that his name was included in the general Act for the forfeiture of lands of the conquered royalists that followed Cromwell's "crowning mercy" at Worcester, is on record. His decease appears to have occurred in the interval of his offence and the

the late private plottings, and sent them to Tinmouth Castle (*Perfect Diurnal*, Feb. 25, Mar. 5); and from Naworth, 8th October, addressing Thurloe, he desired to know how he should dispose of the prisoners in his custody (*State Pap.*, v. iv., p. 72). From Durham, December 24th, the same year, he assured the Protector of "his diligence and integrity in his employment" (*Ibid.*, p. 340). At this time Col. Charles Howard was appointed deputy Major-General for the Northern district; and in the following year, as representative for Cumberland in parliament, he voted for the investiture of the Protector with the title of king (*Somers' Tr.*, v. vi., p. 348. See also *Harl. Miscel.*, v. iii., p. 481.) In the progress of events Major-General Howard was appointed one of the Council of State; and became a member of the Protector's "other House." On the 20th July, 1657, he was created by his Highness, baron of Gillesland, and viscount Howard of Morpeth. (*Perf. Polit.* 1660). On the death of Oliver, lord Protector, and the division of politicians into three sectaries, the viscount Morpeth joined the party of Richard Cromwell (*Ludlow, Mem.*, v. i., p. 631); and is said to have advised the adoption of extreme measures, which might have resulted in a strong government, and realized the fears of Hyde, more probably than a speedy dissolution of the Protectorate. At a critical period, the pages of Clarendon bear testimony of preparations for coming events (*State Pap.*, v. iii., p. 482), and introduce the correspondence of Charles Howard with "Mr. Edmondson," otherwise known as Charles Stuart (*Ibid.* p. 710). In the crisis that followed the rejection of his advice to the second Protector, (See *Oldmixon, Hist. Engl.* p. 433) the viscount descended from his peerage dignity; and was plain Colonel Charles Howard, member of the first Privy Council of the restored king. On the 8th April, 1661, his humility received the reward promised, on scriptural authority, to those who abaseth themselves; and "having been instrumental in the happy restoration of king Charles, was, for his loyal services, by letters patent, advanced to the dignity of lord Dacre of Gillesland, viscount Morpeth, and earl of Carlisle."—*Kennett, Reg. and Chron.*, p. 409.

legislation. In 1652, a *Bill for the Sale of Delinquents' Estates* was under consideration of parliament; and among the appeals for mercy, the Journal for Wednesday, 14th July records, that "The humble petition of the lady Dorothy Howard, late the wife of Sir Charles Howard, knt., one of those presented to your Honors in the new list for the compounding as a popish delinquent; and of William Howard, esq., their son," had been that day received.\* Unfortunately, the petition *in extenso* has not been recorded; so that the case of the widow and the heir, or the particular object of the application, is unknown: perhaps there were not any extenuating circumstances in the case to admit of a doubting judgment; for the House resolved "that the name of Sir Charles Howard of *Haltwistle* be inserted into this bill;"† and accordingly the name of Sir Charles Howard of *Plenmeller*, near Haltwistle, occurs in a long list of delinquent royalists, in the Act passed the 2nd November, the same year, for sale of their several lands and estates forfeited to the Commonwealth for treason.‡

The Act, printed in Scobell's collection, vested the forfeited estates in trustees for the use of the Commonwealth, to be surveyed and the value ascertained, with the interest of the several persons therein; power being reserved within a limited period named, to compound for the same at a price to be set by the Commissioners; estates of inheritance after the rate of two-sixths, and in proportion for all other estates, of the clear yearly value according to the surveyors report; and for all timber, one full third part. "Popish delinquents compounding, to sell their estates within a year, and to depart out of the Commonwealth; and if they should return, to be liable to the laws touching popish recusants."§

\* Comm. Journ., v. vii., p. 154.    † Ibid.    ‡ Ibid., p. 204.

§ Scobel, Acts and Ordinances of the Commonwealth, cap. 23, 1652.

The Commissioners were empowered immediately to raise six hundred thousand pounds on security of these forfeitures, to meet the necessities of the Commonwealth while the process of forfeiture was under action. Lands held in fee simple were sold, redeemed by mortgage, or mortgaged and never redeemed. Estates of lesser duration were subjected to the same law of necessity, or ability to meet the occasion. The interest of Sir Charles Howard, when it came before the Commissioners in all the formality of survey and valuation, does not appear to have contributed any large amount to the public purse. In this case, the question the Commissioners had to resolve appears to have been limited to—*the interest and value of a dead man in a life estate?* It had been a principle recognized in all the Acts of forfeiture, to respect settlements made before the war;\* and a life-interest that had determined shortly after the treason, would necessarily present a very diminished estate for sequestration. The Commissioners assessed the rateable value of the unexpired term at *fifty two pounds*; and it was sold for that amount.†

Sir Charles Howard, (of Plenmeller, near Haltwistle), whose estate was compounded for in this small amount, by the Heralds' Office pedigree, has been associated with the ancestor of Mr. Walter Howard. The extract from the List of Compounders, was produced in evidence of his descent; and will be found among the proofs annexed.‡ The children of Sir Charles Howard and Dorothy Widdrington are also found recorded by the Heralds, and the record is cited among the same proofs: their names were William, Francis, Charles, Henry, Thomas, John; Elizabeth and Dorothy.§ Elizabeth, the elder daughter

\* That is to say, before the 20th May, 1642.—*Vide ante*, p. 76.

† "Howard, Sir Charles, recusant,—per John Griffin, purchaser, £0052 00 00."—*Dring, List of Compounders*. 1655.

‡ Heralds' Office Pedigree. Proofs, &c. (Ext. 3).—*Appendix*.

§ C. 41, in Coll. Arm. Proofs, &c. (Ext. 8).—*Appendix*. Mr. Henry

married William Orfeur, of Plumbland, and had issue a son, Charles Orfeur, who married Jane Lamplugh, and had issue described by Mr. Henry Howard of Corby.\* Dorothy became wife of William Salvin of Croxdale, co. Durham, esq., and also had issue.† The younger sons (excepting Thomas, probably deceased) are also named in a deed of trust of the Wheatley Hill estate, to a moiety whereof they were entitled in remainder; and are described "sons of Sir Charles Howard of Croglin Hall, co. Cumberland, knt.; which Sir Charles was a younger son of the lord William Howard of Naworth."‡

*John ?*

Howard of Corby, says, "Sir Charles, 4th son, married, (but I do not know the name of the lady);" and although he gives the marriage and issue of one daughter, has no mention of sons.—*Fam. Mem.*, fol. 1836.

\* *Fam. Mem.* fol. 1836. John Lamplugh, of Lamplugh, a Colonel in the service of king Charles, was wounded and taken prisoner at Marston Moor, in 1644.—*Nicholson and Burn, Hist. Westm. and Cumb.* v. ii., p. 38. Thomas Lamplugh was recommended to the Protector, by Mr. Charles Howard of Naworth, as a fit person for sheriff of Cumberland, 1655.—*Thurloe, St. Pap.*, v. iv., p. 72.

† *Harl. Miscell.*, v. vi., p. 424. He is elsewhere described William Salvin, of Brandon Hall, son of Gerard Salvin of Croxdale and Mary, daughter of Robert Hodgson of Hebburne. Gerard Salvin, his elder brother, lieutenant Col. of Foot in the service of the king, was slain at Northallerton, unmarried, in 1644; and his uncle, Francis Salvin, of Tursdale (younger brother of Gerard Salvin of Croxdale) lieutenant Col. of Horse in the same service, was killed at Marston Moor. Dorothy Salvin was buried at St. Oswald's, Durham, April 26, 1709.—*Surtees, Hist. of Durham*, v. iv., p. 119, where this note will supply a deficiency.

‡ In 1639, the lord William Howard purchased of Sir Thomas Riddell of Gateshead, and his son Sir William Riddell, the Wheatley Hill estate, for the sum of £2880, and settled it in trust for his younger son, Thomas Howard of Tursdale.. A deed, dated Aug. 6, 1642, made between Sir Francis Howard of Corby, knt.; Sir William Howard of Thornthwaite, knt., Henry lord Mowbray and Maltravers, Sir William Widdrington, knt., Gerard Salvin of Croxdale, esq.; John Heath of Durham, esq.; and Richard Kirkbride of Ellerton, co. Cumberland, esq. in discharge of the said trust, conveyed the estate to the lord Mowbray and others, in trust for said Thomas Howard, esq.; with remainder, as to one moiety in trust for the younger children of Sir Francis Howard; and as to the other moiety, in trust for the younger children of Sir Charles Howard of Croglin Hall, as described in the text.—*Surtees, Hist. Durham*, v. i., p. 80.

William Howard, esq., the eldest son, who joined with his mother the lady Dorothy, in the petition to their Honors the representatives of the Commonwealth in parliament, succeeded to the estate of Croglin Hall; and to some lands in Northumberland, for which he appears to have been assessed, for county purposes, in 1663.\* Croglin Hall passed from his possession by sale, to George Towry, esq., who was the proprietor in 1688;† and Mr. William Howard retired to some property he had acquired by marriage in the county of Durham. He married Anne, daughter and heiress of George Cunningham, of Thorpe Bullmer, esq.; and his descendants have been traced through several generations to William Howard, of Sunderland Bridge, Doctor of Medicine, who deceased without issue, in 1752.‡

To the recent historian of Northumberland,§ from whose careful researches into the history of his county, Mr. Howard of Corby was induced to hope for some elucidation of his own more immediate connections,||—is due the identification of another branch of the Howards of Naworth. Introduced with the reserve naturally suggested by imperfect and disconnected materials, the deduction forced upon Mr. Hodgson inspires all the confidence that a judgment so scrupulously formed is entitled to command; particularly when his own volumes supply evidence of circumstances, uncollated, of a character to corroborate the family identity, and render unimportant the indecision of documents, embarrassing only from their incompleteness.

\* North Charleton, where the lord William Howard possessed divers lands at the time of his decease, in 1640. *Inq. P. M.—Hodgson, Hist. Northumb.*, v. i., pt. iii., p. 339; v. ii., pt. ii., p. 381.

† T. Denton's MS.—*Lysons, Hist. Cumberl.* Croglin Hall has been some time a farm house.—*Ib.*

‡ Surtees, *Hist. Durham*, v. i., pp. 62, 80, 100.

§ The History of Northumberland, by the rev. John Hodgson, vicar of Hartburn, 3 vols., 4to. Newcastle, 1835. Unhappily Mr. Hodgson has not lived to complete his admirable work.

|| See *Indic. of Fam. Mem. fol.* 1836, p. 81.

It was from "brief abstracts" of title deeds,—the most satisfactory of testimony, and the evidence of law proceedings, that Mr. Hodgson compiled the pedigree of the unfortunate Lords of Redesdale.

PEDIGREE OF THE HOWARDS OF NAWORTH, LORDS OF REDESDALE.

(*Hodgson, History of Northumberland, v. i., pt. ii., p. 7.*)

Lord William Howard=Elizabeth Dacre, coheiress  
of Naworth Castle. of Gillisland.

- 1.—Sir Philip Howard, knt., grandfather of the first earl of Carlisle
- 2.—Sir Francis Howard, of Corby Castle, knt.
- 3.—Sir William Howard, of Brafferton, Yorkshire, ob. s. p.
- 5.—Thomas Howard=Elizabeth, daughter of Sir William Eure
- 4.—Sir Charles Howard=Dorothy, daughter of Sir Henry, and  
of Haltwistle, knt. sister of William lord Widdrington.

William Howard, esq.

s. & h. 1652.

(*Com. Journ., v. vii., p. 154.*)

Sir Charles Howard=Elizabeth  
his wife and son joined  
in fines and recoveries  
of Redesdale, to the use  
of Thomas Errington in  
fee, 1667.

James Howard, esq.=Dorothy, daughter of Mr.  
in 1670 had Redesdale &c. conveyed to him for  
life, rem. to Charles How- Thomas Errington of  
ard, s. & h. apparent. Is Bingfield.  
described grandfather of  
Charles Francis Howard.  
(*Papers penes lord  
Redesdale and J. Davi-  
son, esq.*)

Charles Howard=  
of Bingfield, esq., lord of  
Redesdale. Sold Bing-  
field in 1705. Died in the  
minority of his son.

Charles Francis Howard=Elizabeth Hall, daughter  
of Overacres, esq. Sold of . . . . . Hall, of  
estates in Redesdale in Monkridge, re-married  
1719 to lord Cranstoun. . . . . Hunter.  
Buried at Elsdon, 22 Jan.,  
1735.

William Howard, esq.  
Sold Overacres, with the  
seignior of Redesdale,  
including Harbottle and  
the Advowson of Elsdon,  
Sept. 1750, to Hugh Percy,  
earl of Northumberland.

Frances.  
Charlotte.

If the descent of the lords of Redesdale, incidentally disclosed to Mr. Hodgson from investigation of the inheritance of lands and abstracts of title, be compared with the Heralds' Office pedigree of Mr. Walter Howard,\* a concurrence of circumstances will shew that they refer to the same family. There is the same succession of heirs; and where supplied the same alliances. The Heralds have supplied a marriage and an additional generation that did not come within scope of the documents that occurred to the county historian; while the nature of his enquiry has casually supplied the connection of the heir of Poverty with a branch of the family tree wanting in the earlier table of his descent;—an object of so much alleged research,—the cause of so many sorrows: an object it has been said, that Charles duke of Norfolk “never ceased to employ every energy to attain.”† The pedigree compiled under his direction, had been laboriously collected from parochial records, heraldic resources, and documents in the registries of Chancery and the Ecclesiastical Courts. It retraced the descent to “a Sir Charles Howard in the time of Charles the First;—whose existence or connections,” said the Earl Marshal’s Secretary, “cannot be authenticated with any satisfaction.”‡ The enquiry had become embarrassed by the accumulation of documents, having reference to several of the name, or of no explained congruity with each other.§ The thread of the investiga-

\* Ante, p. 433.

† Character of Charles duke of Norfolk.—*Gent. Mag.*, v. lxxxvi., pt. i., p. 66. Ante, p. 426.

‡ *Gent. Mag.*, v. lxxxvi., pt. i., p. 104. Ante, p. 435.

§ To wit: Sir Charles Howard “of Somersham,” of the House of Suffolk, (Proofs, &c. Extracts 1 and 2.—*Appendix*). Sir Charles Howard, “one of the Band of Gentlemen Pensioners,” (Ped.—*Ante*, p. 433). Sir Charles Howard, recusant, compounder for his estate, (Proofs, &c. Extract 3.—*Appendix*). Sir Charles Howard, party to deeds (Proofs, &c. Extracts 4 and 5.—*Ib.*). Sir Charles Howard, son of the lord William Howard of Naworth, (Proofs, &c. Extract 8.—*Ib.*).

tion had become entangled,—its continuity lost; and a theory, too extravagant to be adopted on “mere presumption,” supplanted the probability of satisfactory cognation with a parent stock; yet the materials for a conclusion less doubtful were at hand. The Earl Marshal’s Secretary had ascertained that “the grandfather of the *poor maniac*—was certainly considered as a country gentleman; but that his father was in very reduced circumstances.”\* The disclosures of Mr. Hodgson have confirmed these particulars,—the first in fact, the second in probability. The Will of Thomas Errington of Binglefield, from the Archiepiscopal registry of York, found among the proofs of the Heralds’ Office pedigree of Mr. Howard,† has been reproduced, after an interval of forty years, by the historian of Northumberland, among other evidences of the descent of the lords of Redesdale.‡ The deed of Bargain and Sale, 1657, exhibited in abstract and *in extenso*, among the former proofs, from the enrollment in Chancery,§ has been reproduced by Mr. Hodgson among other documents from title deeds in private custody.|| The coincidence exhibits, in a remarkable demonstration of perfect truth,—two distinct investigations, instituted at a long interval of years, conducted with different objects, from opposite points of view, and from sources perfectly independent of each other, according in presentment of the same facts. The Heralds’ Office pedigree retraced to a certain point, is furnished with references to the customary proofs. In confirmation of the same descent, from other sources of evidence, “It is plain enough,” writes Mr. Hodgson, in tracing the

\* Gent. Mag., v. lxxxvi, pt. i., p. 104. Ante, p. 497.

† Extract 7.—*Appendix*.

‡ Hodgson, *Hist. Northumb.*, v. i., pt. ii., p. 80.

§ Extract 4.—*Appendix*.

|| Penès J. Davidson, esq., of Otterburn.—*Hist. Northumb.*, v. i., pt. ii., p. 79.

successive owners of the manor of Redesdale, "that in 1659, Sir Charles Howard and the lady Elizabeth his wife, were the real lords of this district; and a succession of testimony proves that the posterity of their son James, continued here till they parted with it in 1750."\* Here, however, the parallel will cease: the deeds found among the proofs of the Heralds' Office pedigree of Mr. Walter Howard and reproduced by Mr. Hodgson, in evidence of the descent of the lords of Redesdale, stand apart from any connection with the ancestor described in the former; nor is there the slightest evidence of affinity between Sir Charles Howard "of Somersham" and the succeeding generation to which he has been tacked. Among other disjointed proofs, the deed of 1657 from the Chancery Rolls,† as an unexplained fact, stands like the rock that stopped the *vista* of the ingenious Evelyn through the Surrey hill, obstructing the beautiful panorama beyond. In the twilight of the same fact, Mr. Hodgson could only discern a glimmering of the truth: impeded rather than assisted by imperfect materials, it could scarcely have been otherwise. The circumstances of families involved in the political events of a period that disturbed all private arrangements, are only to be read by the light of the history of the time.

One of those disturbing events occurred in the year 1640. Sir William Widdrington had just become purchaser of the remaining portion of the manorial rights and border lands, parcel of the grant of king James to the lady Elizabeth Howard and her heirs, by conveyance from James earl of Suffolk:‡ he had just paid the first instalment of one thousand three hundred pounds,§ and entered on possession of the premises, when the counties

\* Hist. Northumb, v. 1., pt. ii., p. 81.

† Heralds' Office Ped. Proofs, &c.—*Appendix*.

‡ Vide ante, p. 506.

§ By a misprint, at p. 506, it is said, one thousand *five* hundred pounds.

of Northumberland and Durham were invaded and devastated by the Scottish covenanters, who overrun the whole of his estate;\* and retained the occupancy of it during the twelve months of their oppressive visitation, by guarantee of the treaty of Ripon. The ruin that overcame many at this early period of the national troubles is not here to be told: of others the losses may be partially estimated. Roger Widdrington of Harbottle, (uncle of Sir William), a popish recusant of some notoriety, who deceased the following year, was found by inquisition, to have died, involved in debts over five thousand pounds in excess of the assets of his estate.† The history of Sir William Widdrington has been for the most part slightly sketched: his loyalty to the king; his sacrifices in support of the royal cause;‡ the reward of a peerage; the confiscation of his estate by the parliament;§ his death valiantly encountering many foes, in the *melée* at Wigan lane, in 1651.|| These circumstances had not been called to memory by Mr. Hodgson when he supposed the first lord Widdrington to have been party to the conveyance dated six years afterwards. The deed of 1657, to which the “William lord Widdrington otherwise called William Widdrington, esq.” was a party,—for a nominal consideration, otherwise in precisely the same terms,—appears to have been a re-conveyance from the son, of the same lands conveyed to Sir William (the first

\* The deed of Bargain and Sale bears date the 23rd June, 1640; and the invasion by the Scotch occurred the 20th August, the same year. *Vide ante*, p. 573.

† Inq. P. M.—*Hodgson, Hist. Northumb.*, v. ii., pt. ii., p. 255.

‡ It is reported that he expended upwards of thirty five thousand pounds in the service of the king.—*Echard, Hist. Engl.*, v. ii., p. 709.

§ By Act, *cap.* 10, 1651.—*Scobell*, p. 156.

|| In apology for the death of so valiant a person, it was said by his opponents that they were obliged to kill him in their own defence; for in the desperation of his own circumstances he would neither take nor give quarter.—*Echard, ut supra.*

lord) Widdrington by James earl of Suffolk in 1640, just previously to the unlucky irruption of the Scotch, and the commencement of troubles that introduced the civil war, the ruin of the royalists, and the especial persecution of malignants of a romish cast. Seventeen years after the uncompleted purchase, on the 3rd July, 1657, the second lord Widdrington and the trustees named in the deed of 1640, "by direction and appointment of James earl of Suffolk," conveyed the lands in question absolutely, (but as it afterwards appeared covertly in trust), to "the honorable Charles Howard of Naworth, in the county of Northumberland, esq.," and two other persons named with him; and the deed was duly enrolled in Chancery before Oliver Lord Protector of the Commonwealth of England, the 10th November, the same year.\*

At this time Charles Howard of Naworth stood high in estimation at the Court of the Protector; he was on the eve of elevation to the rank of the Cromwellian peerage!† Who more appropriately might have been selected as trustee for a near relative, son of a popish recusant deceased under the ban of treason to the Commonwealth; himself albeit a royalist favored by the distinction of his acknowledged sovereign? Three days after the execution of the conveyance above mentioned, Mr. Charles Howard and the two persons named with him declared the trusts by a deed, dated 6th July, 1657,‡ namely to the use of Sir Charles Howard and Elizabeth his wife, and the survivor of them, and their heirs.§ The object appears to have been,

\* Heralds' Office Pedigree, Proofs &c.—*Appendix*. Hodgson, *Hist. Northumb.*, v. i., pt. ii, p. 79.

† Vide ante, p. 582., n.

‡ The parties were: the earl of Suffolk, of the first part; Sir Charles Howard and Elizabeth his wife, of the second part; Edward Villiers and the lady Frances his wife (a daughter of Theophilus earl of Suffolk, sister of the third earl, party to the deed) of the third part; Charles Howard, esq., (of Naworth), Robert Newman and Thomas Lee, trustees under the deed of July 3, of the fourth part.

§ Recited in a deed dated June 3, 1667, communicated to Mr. Hodgson by lord Redesdale.—*Hist. Northumb.*, v. i., pt. ii., p. 79.

on the part of Sir Charles Howard, an effort to extend his possessions and reinstate the position of his family, by adopting the purchase, uncompleted, from political events, by the first lord Widdrington, in 1640; either by retaining the whole or a portion of the lands conveyed. A former deed, imperfectly abstracted, Mr. Hodgson believed to have been a conveyance in trust for sale:\* the effect he had observed seems to have occurred subsequently to the conveyance to Charles Howard of Naworth; and under that trust, as mentioned by the historian of Northumberland, "various parcels were sold separately."† To Sir Charles Howard the acquisition is represented to have been but an addition to his troubles. "In 1658," writes Mr. Hodgson, "by reason of the civil wars, there was a very great arrear of rents due from the tenants to Sir Charles Howard; which being disputed, he brought numerous ejectments and recovered."‡ If those disputes referred to the lands re-conveyed from the lord Widdring-

\* Partially adopting Mr. Hodgson's view of the conveyance of 1640, it has been suggested that the lord William Howard had been the principal in the purchase, with the view of further settlements on the children of his younger sons, as in the case of Wheatley Hill the previous year, to which Sir William Widdrington had also been a trustee.—*Ante*, p. 585. In this case, the sudden death of the lord William Howard (cut off, it has been supposed, by the plague) in 1640, a few months after the date of the conveyance to Widdrington, would necessarily have disarranged the whole proceeding.

† Hodgson, *Hist. Northumb.*, v. i., pt. ii., p. 79. May 26, 1658. The right hon. Charles viscount Morpeth (Charles Howard of Naworth, viscount by Cromwell's creation) Richard Newman and Thomas Lee, gents., and Sir Charles Howard, conveyed Catcleugh and Spithope to Henry Widdrington, of Blackheddon, esq., for £130. And June 20, 1659, the earl of Suffolk, Sir Charles Howard, dame Elizabeth his wife, Charles Howard, esq., their son, Edward Villiers and lady Frances his wife, (sister of James, earl of Suffolk, party to the deed); Charles lord viscount Morpeth, Newman and Lee, are one party; and Henry Widdrington the other party, to an Indenture, which made a further conveyance of Catcleugh and Spithope to Widdrington.—*Papers penes C. Ellison, of Hebburne Hall, esq.*—Hodgson.

‡ *Hist. Northumb.*, v. i., pt. ii., p. 102.

ton, his troubles commenced immediately on the acquisition of them, moreover with a long precedent claim of rents in arrear;—due, not to him, but to others. It appears, however, that Sir Charles Howard had or claimed title to lands in Redesdale several years before the conveyance of lord Widdrington's interest in trust for his use. The brief abstract of a petition of "Inhabitants of the manor of Redesdale in the county of Northumberland," to Charles the Second, recites, "that Sir Charles Howard, *in the name of one William Williams*, in the year 1655, commenced suits against your petitioners by pretention of a grant from king James; which grant was only of the castle of Harbottle with the Riddleys,\* and those [*lands*] there which they enjoy; and yet [*they*] do claim the rest. Praying your Majesty to refer the same to whom your Majesty shall appoint."†

\* "The forest and chase, commonly called Whilkwood forest or the forest of Riddleys."—*Pat. K. James*.

† Register Book of Requests, p. 335.—*Add. MS.* 5759. *B. M. Lib.* The lands are not described, nor the petitioners named; but they alleged that "their ancestors from whom they claim have held the same lands as Customary Estate of Inheritance beyond the memory of man; which Estate is called *Border-service*; and paying yearly to your majesty and predecessors a constant fee-farm rent of £72 12s. 4d: that they have performed their duties and paid their rent." The petition was founded in error there seems little doubt on the allegations: the rent mentioned was the exact amount reserved to the king for the manor of Redesdale under the Patent of king James to the lady Elizabeth Howard (*Vide ante*, p. 504); and the services of the tenants would necessarily be due to the lord of the manor; or Redesdale was not a barony in the definition hereafter described.

On the 22nd August, 1663, the answer to the petition, signified by the right worshipful Gervis Holles, esq., Master of Requests to His Majesty, is recorded in the following terms. "His Majesty's pleasure is, that the petition be referred to Sir William Fenwick, Sir Thomas Horsley, Robert Jennison, esq., and Robert Hebburne, esq.; who are to call the parties concerned before them, and upon hearing of the parties on both sides concerning what is alleged therein, by mediation to compose the said difference, (if they can), or else to report a true state thereof to His Majesty, that such further order may be taken as shall be just and reasonable.

In the time of republican rule secret trusts were not uncommon with the persecuted royalists; and concealed lands were as much an object of research and discovery by agents of the Commonwealth, as in other times of religious persecution. In 1655 Mr. Williams it appears, was the ostensible proprietor of Sir Charles Howard's lands,—his inheritance, it must be understood,—in Redesdale: other causes than those which two years later induced the conveyance of his newly acquired estate in secret trust to Charles Howard of Naworth, then obstructed his personal nomination as owner of lands in the territory of the Commonwealth of England. After the restoration, however,—“in 1663,” writes Mr. Hodgson, “Sir Charles Howard was assessed at £270 a year for Whilkwood, Ridleys, Carshope, Fair Phillips, Blindburne, and Foul Phillips;\* places included within the ancient bounds of Redesdale;”† and it seems a part of his

\* Hodgson, *Hist. Northumb.*, v. i., pt. iii., pp. 271, 272, 340.

† *Ibid.* v. i., pt. ii., p. 81. Redesdale or the Liberty of the vale of Rede, was anciently of very great extent. It included, writes Mr. Hodgson, the whole parishes of Elsdon and Corsenside, and of the parts of the chapelry of Halyston and the parish of Alwenton, which lie south of the Coquet, from Harelaugh to Rowhope, and south of the march between England and Scotland, from Rowhope Head to the Coquet.—*Ib.*, p. 1. Thus the liberty of Redesdale included several manors or reputed manors; and Harbottle seems to have been the *caput* of a manor having jurisdiction over the liberty of Redesdale. A “Survey of the manor of Harbottle with the members thereof, and the whole bounds of Redesdale,” in 1604, excluded the parish of Corsenside; but it yet embraced within a circuit particularized, of sixty-five miles, 87,864 acres statute measure.—*Ibid.*, p. 3.

The ancient tenure of Redesdale is sufficiently clear, and was doubtless sufficiently burthensome. It is recorded in the *Testa de Nevil* that “*Ric. de Umfravil tenet vallem de Redesdale p̄ serviciū ut custodiat vallem à Latronib⁹ de antiquo feoffan̄to.*” Later, in the time of Henry VI., “*R. de Umfravil*,” writes Mr. Madox, “held the castle of Harbottle and manor of Otterbourne, of the king *in capite*, by the service of keeping the vale and liberty of Redesdale, in which the said castle and manor was situated, free from wolves and robbers; which service was adjudged Great Serjeanty. In one of the books of knights’ fees, it was found that R. de Umfravil held Redesdale *per regalem potestatem*, by royal power.”

case that they had been included in that portion of the grant of king James to the lady Elizabeth Howard and her husband, which, at an early period, had been conveyed to the lord William Howard of Naworth. They are assessed in the parishes of Halyston and Allentoun, in the ward of Coquedale; and the site of the ancient castle of Harbottle, with lands in Harbottle and Coquedale, in the parishes named, were excepted from the conveyance to Sir William Widdrington in 1640, as demesne lands, already sold and conveyed by Theophilus late earl of Suffolk deceased, the lady Elizabeth his wife also deceased, and their trustees.\* At the commencement of his ownership, some of the lands thus acquired had been the subject of dispute between the lord William Howard and the occupiers or customary tenants owing him rent or service.†

Perhaps by exercising the king's authority; by force of arms. "*Per gladium*," was undoubtedly the tenure of the Norman barons; and Robert de Umfravil, lord of Tours, kinsman of the Conqueror, had a grant of the valley, forest and lordship of Redesdale, at a period when it required the royal power to take the gift and maintain possession. "It may be enquired," adds Mr. Madox, "what is meant by Royal power. There is no species of tenure in England known as tenure by Royal power; therefore I do humbly apprehend that in this case the tenure was *barony*, accompanied with full power of a lord Marcher foreagainst Scotland; like that baronial power which was anciently vested in the earl of Chester for the time being, or some other great lord Marcher foreagainst Wales."—*Baron. Angl.*, 244. Lord Redesdale, the stout opponent of territorial honors,—in this case readily adopted the theory of the learned Madox; and in his elaborate report "On the dignity of a Peer," has stated that "Redesdale was a lordship Marcher with royal power, and had within it a species of Palatinate jurisdiction resembling that of the Lords Marchers in Wales. It is called in one part of the *Testa de Nevil*, the *Barony of Redesdale*."

\* Ante, p. 506.

† In 1621, 19 James I. The lord William Howard instituted law proceedings against the Riddleys to recover possession of lands in Wark, Tyndall, Plenmeller, &c.; places included in the grant of the king to the lady Elizabeth Howard.—*Add. MS.* 8985. *B. M. Lib.*

In 1663, Haltwistle, Plenmeller, Unthank &c. had become the separate possessions of other families; and comparing the county assessment of that year with the broad extent of territory in this district, possessed by

In the years of civil strife since his death, the power of his authority had been lost, the severity of his justice superseded by a domination more tyrannous and less effective; and the tenants of the liberty of Redesdale, taking advantage of the opportunity of unsettled times, had again relapsed from their duties to their immediate lord as the combination of power in regal authority had revolted from allegiance to their king.\* The county assessment of 1663 is incomplete: not any of the owners of lands in the parish of Elsdon are named: so that the lands held by Charles earl of Carlisle, in trust for Sir Charles Howard, under the deed of 1658, are not indicated. Besides those already mentioned, "how much his other estates within the lordship," adds Mr. Hodgson, "ought to have been rated at for county matters, cannot be ascertained; for even to that time the parish of Elsdon seems to have had an unwillingness to disclose the names of the proprietors of lands within it, and of the annual value of their respective estates, to the magistrates and other managers of affairs of the county, whom they still wished to look upon as aliens and foreigners, and consequently as having no right to interfere with the management of affairs in their ancient palatinate."† The omission is not material; Mr. Hodgson has produced abundance of evidence of the possession and sale of those lands by Sir Charles Howard and his descendants, lords of Redesdale; and a clear distinction seems to be drawn between the lands of inheritance, the rents whereof

the lord William Howard at the time of his death, the severe losses of his family in the time of the *Troubles* become forcibly apparent. In 1634, Unthank was the residence of "Capt. Howard," but which of the sons of the lord William has not been ascertained.—*Lansd. MS.* 213, *fo.* 328.

\* The Howards were not the only family involved in law proceedings to enforce their rights. Mr. Hodgson mentions the Nevilles of Willimotswick, also to have been engaged in disputes with the customary tenants of their land.—*Hist. Northumb.*, v. iii., *pt.* ii., *p.* 341.

† *Hist. Northumb.*, v. i., *pt.* ii., *p.* 81.

had become in arrear, and for which his representative Williams, was prosecuting a claim in the year 1655; and lands subsequently acquired under the conveyance from the lord Widdrington to trustees, in 1657.

The ambition of Sir Charles Howard to re-establish his branch of the family as a county notability, had been opposed by circumstances over which he had little control. The difficulties that beset the lord William Howard on his settlement at Naworth, to obtain possession of his rights, not only over his Dacre inheritance, but of lands acquired by purchase of the lord Howard de Walden, after the disruption of social order by the civil war, recurred to his descendant in expensive and depressing suits at law, which marred the noble project he had formed. After ten years, his new, and had circumstances favored him, his important acquisition of territory, was still in the hands of the same trustees; and as the interest of the earl of Suffolk had not ceased, it may be fairly concluded that the purchase had not yet been completed. On the 29th May, 1667, Charles Howard of Naworth, viscount Morpeth, then earl of Carlisle by creation of Charles the Second, released to his co-trustees, Newman and Lee, all right to Redesdale and the advowson of Elsdon; and on the 3rd June the same year, the earl of Suffolk and his trustees executed deeds by which the earl, and Newman and Lee (trustees under the deed of July 6th, 1657, and in pursuance of trusts therein contained), conveyed the estate mentioned, to a trustee for the lives of Sir Charles Howard and his wife, and the survivor of them, remainder to James Howard their son, in tail: to other sons of Sir Charles and Elizabeth his wife in tail; to daughters in tail; remainder to the earl of Suffolk in fee.\* The immediate effects of this operation were, that the estate was sold, for the sum of six thousand

\* Communicated by lord Redesdale.—*Hodgson, Hist. Northumb.*, v. i, pt. ii., p. 79.



Mr. Hodgson, "that the Howards who became domiciliated at Redesdale, never throve upon it. Whether their circumstances were retarded in their growth by the draining effects of law suits; or the produce of their estate was wasted by extravagance or ill-management, or in defending political cabals of their time, is immaterial, since they have pined and died away."\* Thomas Errington of Bingfield, with his daughter in marriage, gave his entire interest to the maintenance of the Howards in their position; but from his Will, "it is too plain," continues Mr. Hodgson, "that his circumstances were at that time beginning to feel the degrading and paralysing effects of debt."† The Erringtons had been royalists in the time of the civil war; and besides their voluntary sacrifices for the cause of the king, they had also suffered the penalty of malignants.‡ In his Will, dated November 20, 1677, Mr. Thomas Errington devised to his grandson Charles Howard, his estate in Redesdale, "to wit, all the lands lying on the south side of Redewater, § till £1300 be paid, with the damages, then eight years by past; and all the rest of Redesdale, with use and damages; with sixty pounds in suit, for procuring an execution against the said premises: My will is, to make it all to the said Charles Howard and his heirs; and failing them to Dorothy Howard, wife of James Howard, esq., and her heirs; and failing her and her heirs, to James Howard and his heirs for ever."||

Charles Howard, esq., resided at Bingfield, his maternal inheritance; and in due time became "lord of Redesdale

\* Hist. Northumb., v., i., pt. ii., p. 81.

† Ibid.

‡ Vide ante, p. 284.

§ These lands appear to have been sold by Charles Francis Howard, in 1719, to lord Cranstoun.

|| From an Office copy communicated by James Ellis, esq.—Hodgson, *Hist. Northumb.*, v. i., pt. ii., p. 80. Heralds' Office Ped. Proofs &c. Ext. 7.—Appendix.

and Harbottle.”\* He married Eleanor, eldest daughter of Sir Francis Blake, of Ford Castle, co. Northumberland, knt., a political notoriety frequently mentioned by the younger Clarendon,† as “Mr. Blake of Coggs,”—his paternal estate in Oxfordshire.‡ Sir Francis Blake sometime represented Berwick in parliament; and his son-in-law Charles Howard, was not without ambitious county views. In 1688, he was nominated for sheriff of Northumberland; but the appointment did not fall to his lot. Happy! if that had been the only drawback to his content: for to his sorrow, he had inherited an estate which he found to be deeply encumbered with debt. “On Bingfield and Redesdale,” says Mr. Hodgson, “the Radcliffes of Dilston had a mortgage of £7,074 8s. 11d.”§ The burden was depressing; and in 1700, Mr. Charles Howard and Eleanor his wife, for the sum of two thousand pounds, sold to Gabriel Hall, of Catcleugh, divers lands in Redesdale, for which they agreed to levy a fine.|| The relief was but a temporary expedient: the dead weight still remained, and became more oppressive from diminished income; nor was it lightened by a misguided arrangement that shifted the debt. However, in 1705, says the county

\* Mr. Hodgson has given, from the original, a deputation from Charles Howard of Bingfield, esq., appointing Roger Fenwick, of Stanton, esq., Barrister at Law, to the office of Steward of the manors of Redesdale and Harbottle. Dated 26th April, 4 William and Mary. 1692.—*Hist. Northumb.*, v. i., pt. ii., p. 80.

† Letters and Diary of Henry Hyde, earl of Clarendon, 2 vols. 4to., Oxford, 1763.

‡ Francis Blake of Coggs, received knighthood from William the Third. He married Elizabeth, coheiress of William Carr, of Ford Castle, co. Northumberland, esq., by whom he had a son Francis, who died in youth, and seven daughters, who became coheirs to his estate. As no correct account of his family has been found in print, a Table of the alliances of the coheiresses, having more than one reference to the family of Howard, and to this enquiry, is annexed. See Additional Notes—*Appendix*.

§ The completion of the purchase of Redesdale of the earl of Suffolk, in 1667, had probably been effected by monies raised by Mr. Thomas Errington for that purpose. || Hodgson, *Hist. Northumb.*, v. i., pt. ii., p. 154.

historian, the mortgage was in part redeemed, by "Mr. John Douglas, of Newcastle, who purchased Bingfield for three thousand pounds; and took Redesdale as security for the rest of the money advanced."\* Mr. Charles Howard died in the minority of his son; and thus encumbered, in the nursing care of Mr. Douglas, of Newcastle, Charles Francis Howard, of Overacres, esq., on coming of age, found his estate of inheritance. His majority also opened to him another source of embarrassment, in a hereditary law suit, which for some time had lain in abeyance attending his coming of age; and will necessitate the retrospection of half a century in this unhappy history.

A survey of the vale of Rede some years before the vigorous rule of the lord William Howard reduced it to civil subjection, gives the following description of his future tenants. "The Riddesdall men," says Sir Robert Bowes, "be even of like nature and qualities as the Tyndall men, save that they be not soe trusty of their wordes and promise, and have often tymes attempted to disobey and refuse theire keepers by force; and can in no wise be kept in order butt by correction and dread."† Among other peculiarities of unrestrained liberty they appear to have entertained a decided Irish spirit of independence in regard to the payment of rent for the lands they occupied. From 1655, when the earliest notice occurs of their resistance to the nominee of Sir Charles Howard, an organized system of opposition had attended the inheritance of the estate; and through several generations of manorial proprietors had contributed in no inconsiderable degree to their embarrassment and discomfiture. The narrative of the long and bitter litigation of the tenants of the liberty with the Howards, lords of Redesdale, described by Mr. Hodgson, forms one of the most remarkable and unfortunate cases of legal persecution on record.

\* Hodgson, *Hist. Northumb.*, v. i., pt. ii., p. 81.

† Survey of the Middle Marches, 1550.—Hodgson, *Hist. Northumb.*, v. ii., pt. iii., p. 244.

Whether or not the referees of His Majesty Charles the Second failed of composing the differences in the appeal laid before him, by mediation as proposed,\* there were determined litigants who would not admit, or submit to the right of the mesne lord; although defeat at law repeatedly warned them that they could not in justice maintain the independence they had assumed. During the civil war leases had expired and had not been renewed; rents had become due, but if there were occupants liable for the payment, the rightful owner was, from political causes, an absentee, or without the power to assert his right. The nominee or trustee of Sir Charles Howard, "demanded the arrears and required that the tenants should accept new leases; but they met the demand by a refusal to pay rent, insisting that they were freeholders, or customary tenants at certain rents; and that the lord of the manor had no right to turn them out. In 1658," writes Mr. Hodgson, "Sir Charles Howard caused several ejectments to be brought against them; and because the tenants were numerous, it was agreed by all the parties, and confirmed by a rule of Court, that seven ejectments in the Court of King's Bench should be tried, and that the result should bind the remainder. On the trials it appeared very plainly that the tenants were no more than tenants at will; and a verdict accordingly was given for Sir Charles Howard.

"In 1660, Edward Hall, of Monkridge, not being satisfied, requested Sir Charles Howard to submit to a reference to decide all difficulties; and accordingly Sir Charles, and his trustees Charles Howard, esq., Newman and Lee, and all the tenants, on the 15th September, submitted themselves to the award of Sir Thomas Twisden, and Sir Robert Barnard, knts., who were the judges of Assize for Northumberland that year; and their award, dated 11th December, 1660, confirmed the former judgment;

\* Ante, p. 594.

and awarded that the tenants should accept from Sir Charles Howard leases for thirty-one years of the lands in their possession, under the yearly rent of half the true value, and should also pay two whole years' rents of the full value, in lieu of arrears and for a fine. But Edward Hall and others, continuing obstinate, refused to submit to the award; and in 1663, new actions of ejectment were brought against them, particularly against Alexander Hall of Monkridge, and John Brown, of Brown's Hatherwick, and several others; and on the 4th May, the same year, Edward Hall and four others, executed articles of agreement to abide by such judgment as should be given against Alexander Hall and John Brown, in the Court of King's Bench, on the ejectments which had been brought against them. Judgment was given in favor of Sir Charles Howard, who paid two hundred pounds to the Sheriff of the county for the execution of the writs of possession. The tenants to whom writs were not sued out, submitted in pursuance of their agreement, and accepted leases from Sir Charles Howard or his trustees, or else quitted possession of the lands they held; particularly Edward Hall, who attorned tenant to Sir Charles Howard or his trustees, as to the messuage in Monkridge, and paid an improved rent for it. Of the lands in Upper and Nether Horsley, and Earlside alias Foulshiels, Sir Charles Howard took possession; and Edward Hall ever after quietly submitted to him, and never again pretended any title to them. After the death of Edward Hall, Sir Charles Howard let the lands in question to tenants at will and received the rents; and in 1667 levied a fine of the manor of Redesdale, of which the lands in question formed a part."\*

\* As given by Mr. Hodgson, this document, (a Brief prepared for Counsel, in an Action of Ejectment) represents that Sir Charles Howard was dead in 1663; and that the subsequent proceedings had been carried on by his son, "Charles Howard, esq.;" but from documents of higher

By the transfer of the estate from Sir Charles Howard and his trustees in 1667, (of which the fine levied was the completion of title) to Mr. Thomas Errington of Bingfield; and the settlement made by him in 1670 on his daughter and her husband, Mr. James Howard became tenant for life of the manor and premises mentioned; and with his trustees, plaintiff or defendant in all suits necessary for the maintenance of their title. From a document supplied to Mr. Hodgson, it might be concluded that in 1673 the differences of previous years had been settled on the basis of a former concord, and that peace reigned in the valley of the Rede.\* From the Will of Thomas Errington, however, a few years later,† it is not to be understood that the harmony was complete; but the narrative, cited by Mr. Hodgson, proceeds to relate that James Howard, esq. enjoyed the manor and lands uninterruptedly till the time of his death; and that they passed to his son and heir Charles Howard, esq., who then became lord of Redesdale; and for a brief space enjoyed unquiet possession of his inheritance.

Edward Hall, the former litigant, died, leaving three daughters; Margaret, wife of William Potts; Anne, married to William Young; and Mary, wife of Michael Crowhall. In 1693, these persons united their interests to renew the contest with the lord of the manor; and brought an

authority it appears that Sir Charles Howard was party to the fine levied in 1667, and that James Howard was then his heir. See *Heralds' Office Ped. Proofs &c. Extract 5.—Appendix*. Hodgson, *Hist. Northumb.*, v. i., pt. ii, p. 79.

\* By Lease, dated May 24, 1673, executed in pursuance of an agreement between Thomas Errington of Bingfield, gent., and Humphrey Mitford of Mitford, esq., of the one part; and the tenants of Redesdale of the other part; James Howard of Redesdale Hall, esq., demised to John Fletcher of Dykeham House, yeoman, messuages, lands and tenements at Dykeham House, for two thousand years, under the ancient rent of 3s. 4d. and the additional rent of £1 5 0. *Mr. Ellison's Papers.—Hodgson, Hist. Northumb.*, v. i., pt. ii., p. 80.

† Vide ante, p. 600.

ejectment for recovering the lands formerly disputed by Edward Hall, father of their wives; and it unfortunately happened for Mr. Howard that, his writings being in London, and the person to whom they were entrusted not bringing them to the Assizes, and producing them for the defence, the plaintiffs obtained a verdict, and possession of the estate. In 1695, however, Mr. Howard brought an ejectment, and after a full trial, had a verdict in his favor; but in compassion to Potts, his wife, and the other defendants, and by consent of all parties, an order of Court was made "That Mr. Howard should make the defendants a lease for ten years at £15 a year;" and this order, in Michælmas term following, was made a rule of Court. But as the defendants were not willing to take a lease for more than £10 a year, Mr. Howard sued out his writ and had possession. Upon this the defendants filed a bill in Chancery against him; but on a hearing, their pretences appearing vexatious, the bill was dismissed. In 1698, Potts and Young brought another ejectment, and Mr. Armstrong, Mr. Howard's attorney, being taken ill of a fever in London, could not attend the Assizes; and having all Mr. Howard's writings, no defence was made, and a verdict suffered to go for the plaintiffs: but in Michælmas term following, Mr. Howard applied to the Court of Common Pleas for a new rule, which was granted; and though the judge who tried the cause was satisfied that Mr. Howard had a good title, and directed the jury accordingly, yet they gave a verdict against him; but his lordship, in the Michælmas term, having certified the Court that he was dissatisfied with the verdict, another new trial was ordered, which came on in 1700, and the plaintiff was nonsuited; which gave Mr. Howard hopes that he would meet with no further trouble. However, in 1703, Anne and Mary, the wives of Young and Crowhall being dead, without issue, William Potts, the son of Margaret, claiming as grandson of Edward Hall, brought his ejectment for the

lands in question; and at the trial Mr. Howard's counsel insisting upon some depositions, in which there appeared an irregularity in form, the judge did not think them sufficient; and Mr. Howard offering no further evidence, a verdict went for Potts. In Michælmas term following, Mr. Howard again applied for and had a new trial granted: and in 1704, the lessor of the plaintiff brought this case again to trial, when Mr. Howard offered the award of Mr. Justice Twisden and Sir Robert Barnard, the fact of Edward Hall having surrendered possession, and the agreement of the lessors of the plaintiff, by rule of Court, to accept a lease at £15 a year, as evidence of his title; but a verdict was given for Potts. In the following Michælmas term, Mr. Howard filed his bill in Chancery and had an injunction; but dying soon after, his son, Charles Francis Howard, by his mother and guardian, revived the bill, and the injunction was continued; but after the young lord of the manor came of age, Potts put in his answer, and the injunction was dissolved. The term in the ejectment, however, having expired, Potts could make no use of it; upon which, in 1709, he brought a new ejectment, which was submitted to arbitration; but no award being made, notice was given for bringing the cause to trial, which had not been done three years after the notice.

The difficulties of the unfortunate lord of Redesdale had assumed another aspect. Charles Howard father of Charles Francis Howard had died, leaving all his papers in the hands of his attorney, Mr. Armstrong of Hexham, who shortly after deceased, leaving the *plaintiff's attorney*, Mr. John Aynsley, also of Hexham, his executor, and consequently in possession of Mr. Howard's evidences.\*

\* This sad record of persistent litigation is the Abstract of a Brief for Counsel, in defence of a new action to be tried, the issue of which is not mentioned. The document concludes with the titles of several judgments, and other documents, procured from Record Offices, to be produced on the trial; among them an ejectment obtained 15th Charles the Second

The circumstances were perplexing, but not without hope. Mr. Charles Francis Howard made two bold attempts for his own relief. To overcome his opponents rather by force of love than by compulsion of law, which had so long proved ineffectual, he married into the enemies camp,—the most numerous and powerful of the ancient Northumbrian clans;\* and to get rid of Mr. Douglas's mortgage of four thousand and odd pounds, which his father had left upon Redesdale, he, in 1719, agreed to sell Birness and the Bents, Breadless-straw, Foulshiels,† Blakehope, Deadwood, Akenside and Saughenside, to lord Cranstoun, for £7291, the sum then due to the mortgagee; which however involved a suit in Chancery; and was not completed for several years.‡

(1662), on the demise of Charles earl of Carlisle, Richard Newman and Thomas Lee, trustees for Sir Charles Howard, in the Court of King's Bench; and a Fine levied by Charles earl of Carlisle and the other trustees.—*Tashburn v. Charles Francis Howard*, Edward Scott, William Ord, and Gillin Hall, for Ejectment, 5 Geo. I. Brief, penes John Davidson, esq.—*Hodgson, Hist. Northumb.*, v. i., pt. ii., p. 102.

\* "The countrey of Riddesdale," writes Sir Robert Bowes, "standeth much by surnames as Tyndall doth; of which surnames the Hauills be the greatest and most of reputation in that countrey."—*Survey*, 1550. *Hodgson, Hist. Northumb.*, v. ii., pt. iii., p. 243. On a Survey of the Manor of Harbottle with the members thereof, and the bounds of Redesdale, in 1604, of the twenty seven persons assembled as a jury, fifteen bore the name of Hall; among them Alexander Hall of Monkridge; and Uswin Hall of "Relees."—*Ibid.*, v. i., pt. ii., p. 2.

† Earlside; a pasture on the west side of the Rede, opposite Birness. "It has not for many years," writes Mr. Hodgson, "been known by its ancient and noble name; but by the loathsome and pitiful designation of Foulshiels, and Breadless-row *alias* Breadless-straw."—*Hist. Northumb.*, v. i., pt. ii., p. 135.

‡ The mortgagee and his son Joshua Douglas, says Mr. Hodgson, were attorneys, at Newcastle; and having all along "paid themselves interest money out of the estate;" and "a considerable salary" for the management of it, were naturally enough dissatisfied with the sale. Lord Cranstoun paid to Douglas, for principal and interest £7291, and had his bargain perfected, after a suit in Chancery which he obtained, with Costs; the lord Chancellor observing that the plaintiff Cranstoun had been greatly imposed upon by the defendants, the Douglasses. Decree,

After this sale, Mr. Howard's interest in Redesdale consisted of the estate of Overacres and the seignorial rights within the limits of the ancient franchise; excepting on the parts where the manorial rights had been alienated or were prescriptively annexed to the soil; altogether, according to the account delivered into Chancery, in 1720, worth three hundred and fifty pounds per annum; besides which he reserved the advowson of the rectory of Elsdon, by the original grant of king James "to the manor of Harbottle appendant;" and he was in receipt of an annuity of sixty pounds under the will of his grandfather Sir Francis Blake; together with any advantages he may have derived with his marriage beyond the cessation of legal hostility. The Hall of Monkridge, claimed to be a chief of the clan; and maintained a position of corresponding importance, which continued for another generation; when ruin involved the generous hospitality of the house; and the family estates, about six thousand acres, passed by sale to more thrifty hands.\*

Nevertheless his limited resources, Charles Francis Howard also entertained the ambition of a territorial lord; he even "made some preparations for rebuilding Redesdale Hall," observes Mr. Hodgson,—“but got no further than the portal.” At the period of the survey of the county historian,—“two piers of a gateway to the house still remained, bearing the arms of HOWARD; the date MDCCXX; and some arbitrary ornaments,—a CORONET, a CUP, and a WREATH; these, and a few large old apple trees, which in favorable years are full of fruit; a grove of trees, partly consisting of healthy limes, sycamores, and thorns; and three large beech trees, which suffered severely by a frost in May 1819, are the only continuing memorials of

Cranstoun v. Douglas and Howard, 10 Geo. I. 24 June, 1724; and papers penès J. Davidson, of Otterburn, esq.—*Hodgson, Hist. Northumb.*, v. i., pt. ii., p. 82.

\* *Hist. Northumb.*, v. i., pt. ii., p. 111.

the mansion of the Howards, lords of Redesdale.”\* The occupant was the farmer of the land.

With the impaired inheritance that fell to his lot, the son of Charles Francis Howard doubtless became a poor gentleman. William Howard, esq., writes Mr. Hodgson, harrassed with difficulties, and no longer able to derive benefit from the remnant of the estate which his ancestors had transmitted to him, in 1747 advertised the property for sale.† In the following year, William Howard, esq., of London, voted at the election for Northumberland. It was probably his final appearance in the county of his birth. “Harrassed with difficulties,” as Mr. Hodgson represents him to have been, the convenience of retreat to the isle of Jersey, where he might look at the missives of the English law with the complacency of an ancient Northumbrian,—may, without difficulty, be understood. The compassion of the ducal House, and the fraternal sympathy of the Greystoke heir of the family honors, may also have had relationship of nearer affinity than the natural ties of blood. The question—whom did he follow?—when the eccentric philosopher Charles Howard of Greystoke, duke of Norfolk in fact,—attended as chief mourner, the funeral of the impoverished gentleman, William Howard, may be answered without impeachment of honor. If there be symbolism in the science of Heraldry, Charles Francis Howard of Overacres, had placed on his newly erected portal of Redesdale Hall, a lasting remembrance of his descent, and the claims of his drooping House to prospective precedence of high rank in the heritable honors of his race. Mr. Henry Howard of Corby has marshalled, in a tabular arrangement, the order of succession of each House of the Howard stock.‡

\* *Hist. Northumb.*, v. i., pt. ii., p. 111.

† *Newcastle Courant*, Jan. 31, and April 18, 1747.—*Hodgson, Hist. Northumb.*, v. i., pt. ii., p. 111.

‡ *Family Mem. fol.* 1836.

Next to the existing ducal branch, the Howards of Suffolk, Carlisle, Corby and Effingham, are described the order of inheritance of the dukedom of Norfolk.\* But by operation of another Act of Settlement, the Howards of Naworth take precedence of the earls of Suffolk in the inheritance of the earldom of Arundel:† and early in the eighteenth century the probability of their accession was not so distant as when Mr. Henry Howard of Corby made his computation. In 1720, Thomas duke of Norfolk and his brothers were childless; the Greystoke line was *in*

\* Settled by the Acts for restitution of the dukedom, 12 & 13 Car. II:—*Ante*, p. 114.

† 3 Car. I. 1627. The Baronies of Fitz-Alan, Clun, Oswaldestre, and Maltravers, follow the same order of limitation.

Sir Harris Nicholas considered it “a most singular fact” that the earl of Suffolk and his issue should have been postponed to the heirs of his younger brother, in the Settlement of the succession to the earldom of Arundel and the ancient baronies that the Howards inherited with it, by marriage of the heiress of Fitzalan. “It is manifest,” writes the Genealogist, “that the Suffolk line can never inherit the earldom and baronies in question, but under the last clause of the limitation. The cause of this strange omission probably was, that Thomas Howard, first earl of Suffolk, died *several years* before the Act of Limitation was passed; whilst his brother survived till 1640; but it is nevertheless extraordinary, that Theophilus, second earl of Suffolk, son and heir of Thomas the first earl, should have been so entirely passed over in the succession.”—*Synopsis of the Peerage*, 1825, v. ii., p. 474. Strange indeed, if the omission had not been intentional! Extraordinary! if the earl of Suffolk had been so soon forgotten; and his heirs inadvertently passed by, in an Act of Parliament, drawn with all the formality and precision of a deed of Settlement. Thomas, earl of Suffolk deceased May 28, 1626; the Act of Settlement of the earldom of Arundel and the baronies annexed to it, if not then under consideration, was passed the following year, 1627. Let us suppose it not to have been prepared without an object, though that object had been to divert the succession from its natural course. Thomas, earl of Arundel, with the most learned men and distinguished legal advisers of his day at command, cannot be supposed to have been unaware of the operation of his own Act. Let us rather believe that after the extinction of his own line, he purposed the succession of the younger branch of his family, not ennobled; and that the House of Suffolk acquiesced in the arrangement.

esse ;\* and the line of Bernard, of Winchester (the present ducal family) was represented by a child seven years of age. These were then the only obstructions to the succession of the Naworth Howards to the earldom of Arundel and the baronies annexed to it by the act of settlement. Pardonable, therefore, if, in memory of settled reversionary rights, Charles Francis Howard accompanied the heraldic bearing of his House, with insignia of peerage rank and the symbol of the *Boteltry*, the ancient service of the earls of Arundel ! The record has been vain : the *slip of oak*, is yet green and *fructed* in the descendants of Mary Fitz-Alan ; but his House, as Mr. Hodgson expressed it, “has pined and died away.” In 1750, Hugh Percy, earl of Northumberland, became owner, by purchase, of the estate of Overacres, the advowson of Elsdon, and the seigniories of Harbottle and Redesdale ; and the unborn son of Mr. William Howard became—

THE HEIR OF POVERTY.

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\* Charles Howard of Greystoke, died in 1720 ; and his heir was a posthumous child.



1, Oswaldestre and Maltravers.

Sir William Howard,  
K.B., of Tolesbury,  
Essex, Lieut. of Pen-  
sioners, ob. 1672.

Robert  
Howard,  
esq.†

Mary  
Howard,  
ob. 1703.

Winefred, =  
ob. 1734.

beth, d. of  
Batten,  
tsmouth,  
rent.

aret, daughter  
ncis Skeene, of  
Edinburgh.

Thomas Howard, = Katherine, daughter of Sir  
 earl of Suffolk, ob.  
 1626. 2nd son of Charlton

Henry Howard, = Eliz., d.  
of Tolesbury, of Will.  
Essex, esq. Basset

Sir Charles Howard, of Clun, ob. 1626.	= Mary, d. of Sir John Fitz, of Fitzford.
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James  
Howard.

Elizabeth.  
=Sir John  
Harpur, of  
Swarkston

Elizabeth, b. 1612.  
Maria, b. 1617=  
Robert Vernon,  
of Wheatercroft,  
co. Chester, esq.

a) of Crosbie Park, co. Wicklow, granted to the Crosbies, attained in 1688, for his exertions in 1705-6. Lady Dorothy Crosbie was undoubtedly the place of the flood having overturned her carriage. *p. 105.—B. M. Lib.*

-Julia,  
d. of John  
Gascarth,  
of Penrith,  
Cumberl.,  
gent.

\* Legatees under the Will of Sir Francis  
 † Sir Warren Crosbie, third baronet (of the  
 estate in the royal cause; and son of Mary  
*patris*. The marriage took place at Ford, Kent,  
 the ford over the river Slaney, near Carlow  
 ‡ Shaw, Hist. Staffordshire, with MS. add.  
 § Ibid. Perhaps the following registration  
 Roman Catholics who refused to take the Oath  
 ¶ *Heir of Settlement to the Earldom of Arundel*  
 of Naworth and Corby; duke of Norfolk on

# APPENDIX.

## I.

### WALTER HOWARD'S PEDIGREE.

as received from the Heralds' Office, 1794.

*(The Pedigree has been introduced at page 433.)*

EXTRACTS OF DEEDS, &c., relative to the foregoing Pedigree.

#### *Extract No. 1.*

July 16th, 1644. 19 Car. 1st. Between James earl of Suffolk and baron Walden, and Sir Charles Howard of Somersham, county of Huntingdon: said earl, for the natural affection he beareth to said Sir Charles Howard, has given, &c. to Charles Howard, Polynia and Ann Howard, the son and daughters of said Sir Charles Howard, annuities out of lands in Haddenham, in the Isle of Ely.\*

#### *Extract 2.*

1646. In the chancel belonging to the parish church of Somersham, within the communion rails. "Here lies under this stone the body of William Howard, the son and daughter of Sir Charles Howard, of the House of Suffolk, of the age of 2 years, and deceased 29th June, 1646."†

\* No reference is given where the original of this deed is deposited, or in whose custody.

† In his remarks on this *Extract*, Mr. Walter Howard observes, "the name of the daughter is not mentioned." An early copy of the inscription





*Extract 3.*

1655. List of Compounders for their Estates, published 1655. "Howard, Sir Charles, recusant, per John Griffin, purchaser, £52 0 0."

*Extract 4.*

1657. July 3. Indentures of Bargain and Sale, enrolled in Chancery, from James earl of Suffolk, William lord Widdrington otherwise called William Widdrington, esq., Sir Edmund Sayer, Robert Napper, James Whitehead, John Rolleston, and Christopher Crow, in consideration of ten shillings paid to the said lord Widdrington, and ten shillings paid to Sir Edmund Sayer, Robert Napper, James Whitehead, John Rolleston, and Christ. Crow, by the hon Charles Howard, Richard Newman and Thomas Lee, of the 4th part.; by which certain premises are settled on Sir Charles Howard and dame Elizabeth his wife for life, with remainder to their son, James Howard, in tail; remainder to right heirs for want of issue. *See the Indentures of this Extract, 5th Part of Close Rolls, 1657, fo. 11.*

*Extract 5.*

1667. June 5, 6. Indentures of Lease and Release, with livery and seisin, between Sir Charles Howard, dame Elizabeth his wife, and James Howard, esq., their son and heir apparent, of the first part; Thomas Errington of the second part; George Clarkson and John Jenkins of the third part. In consideration of £6,500 to Sir Charles Howard paid by Thomas Errington, the premises were conveyed to said Thomas Errington, his heirs and assigns for ever; for which is a covenant for a fine and recovery, &c. *Trin. Term, 19 Car. 2.\**

*Extract 6.*

1670. Jan. 1st. Indentures of Settlement between Thomas Errington and Frances his wife of the first part; the above-men-

in Somersham church, will be found in a small volume of Topographical Collections for the county of Huntingdon.—*Lansd. MS. 921. fo. 44.* (B. M. Lib.) A copy with which the writer has been favored, recently transcribed from the monumental stone, is given at page 498.

\* Also cited by Mr. Hodgson, from documents in possession of lord Redesdale.—*Hist. Northumb., v. i., pt. ii., p. 79.*

tioned James Howard and Dorothy his wife, daughter of the said Thomas Errington, of the second part; and Charles earl of Carlisle, Humphrey Mitford, John Shaftoe, and William Errington of the third part; whereby the said Thomas Errington, in consideration of five shillings paid by the said James Howard, and in part performance of Articles, dated 19th August . . . ., made between said James Howard and Thomas Errington; at the order of the said earl, and in consideration of settling the manor and premises therein mentioned upon James Howard and others of his name and blood, &c. to the use of said James Howard for life; remainder to his son and heir apparent, Charles Howard, and his heirs in tail; remainder to the right heirs of James Howard.\*

*Extract 7.*

The Will of Thomas Errington registered at York, wherein he gives his estate at Riddesdale to his grandson, Charles Howard; and, in default of issue, and dying before his parents, to Dorothy Howard; and ultimately to James Howard and his right heirs.\*

*Extract 8.*

Sir Charles Howard, sometimes stiled 3rd, and sometimes 4th son of lord William Howard, in the *Black Book* is stated to have died *sine prole*, 1590. Buried 31st October, 1589,—*B.B.*, fol. 154. But in *C.* 41, I find Sir Charles Howard married to Dorothy Widdrington; and had issue, William, living in 1665, Francis, Charles, Henry, Thomas, John, Elizabeth and Dorothy; and in 6 *D.* 14, fo. 25, I find said Sir Charles Howard mentioned as having had issue.

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The Fifth part of CLOSE ROLLS in the year of our Lord,  
1657.

(26). The EARL OF SUFFOLKE and HOWARD.

This Indenture made the third day of July, in the year of our Lord, one thousand six hundred fifty and seven, between the right hon<sup>ble</sup> James earl of Suffolk, William lord Widdrington,

\* Also cited by Mr. Hodgson, from documents in possession of lord Redesdale.—*Hist. Northumb.*, v. i., pt. ii., p. 79.

otherwise called William Widdrington, esq<sup>r</sup>, Sir Edmund Sayer of Heywood, in the co<sup>y</sup> of Berke<sup>e</sup>, kn<sup>t</sup>, Rob<sup>t</sup> Napper of London, esq<sup>r</sup>, James Whitehead and John Rolleston of Welbeck, in the co<sup>y</sup> of Nottingham, gent<sup>n</sup>, and Christopher Crow of London, gent<sup>n</sup>, on th<sup>e</sup> one part, and the hon<sup>ble</sup> Charles Howard of Naworth in the co<sup>y</sup> of Northumb<sup>d</sup>, esq<sup>r</sup>, Richard Newman, of the Middle Temple, London, esq<sup>r</sup>, and Tho<sup>s</sup> Lee, of the Middle Temple, London, afores<sup>d</sup>, gent<sup>n</sup>, of the other part, Witnesseth that the said James earl of Suffolke, and the s<sup>d</sup> Sir Edm<sup>d</sup> Sayer, Rob<sup>t</sup> Napper, James Whitehead, John Rolleston and Christop<sup>r</sup> Crow, for and in considerat<sup>n</sup> of tenne shillings of lawful money of England to the said William lord Widdrington, and of the sume of tenne shill<sup>s</sup> of like money to said Sir Edm<sup>d</sup> Sayer, Rob<sup>t</sup> Napper, James Whitehead, John Rolleston, and Christop<sup>r</sup> Crow, at and by the direction and appointm<sup>t</sup> of the s<sup>d</sup> Ja<sup>s</sup> earle of Suff<sup>ke</sup> well and truely paid by said Ch<sup>s</sup> Howard, Rich<sup>d</sup> Newman and Tho<sup>s</sup> Lee, at and before the sealing and delivering of these p<sup>s</sup>ents, ye receit whereof they doe hereby respectively acknowledge, and thereof and of every part and p<sup>cell</sup> thereof, doe clearly and absolutely acquit, exonerate and discharge the said Charles Howard, Rich<sup>d</sup> Newman and Tho<sup>s</sup> Lee, their heirs and execut<sup>rs</sup> and administrat<sup>rs</sup> and every of them by these p<sup>s</sup>ents, have grant<sup>d</sup>, b<sup>g</sup>ained and sold, and by these p<sup>s</sup>ents doe grant, b<sup>g</sup>aine and sell unto said Charles Howard, Rich<sup>d</sup> Newman and Tho<sup>s</sup> Lee, and their heirs, all that the mannor and lords<sup>pps</sup> of Ridsdale, with the rights, members and app<sup>t</sup>ennces thereof, in the co<sup>y</sup> of Northumb<sup>d</sup>, and all that the mannor, lord<sup>spp</sup> and castle of Harbottle with the rights members, and appertēnces thereof in said co<sup>y</sup> of Northumb<sup>d</sup>. And also the advowson and right of patronage of the rectory or patronage of the church of Ellesden to the said mannor append<sup>t</sup>. And all other lands, Tenem<sup>ts</sup> and hereditam<sup>ts</sup> to s<sup>d</sup> manors, lords<sup>pps</sup> and castle, or to either or any of them any ways belonging or app<sup>t</sup>aining. And all the forest and chase commonly called or known by the name or names of Wilkwood forest or the forest of Riddleys, with the rights, members, and app<sup>t</sup>ennces thereof in said co<sup>y</sup> of North<sup>d</sup>; and all and singular lands, tenem<sup>ts</sup> and hereditam<sup>ts</sup> w<sup>so</sup>ever in the fields, p<sup>r</sup>ishes, places, and hamletts of Riddes-

dale, Elsdén, Corsenside and Hallyston, or any of them to the said lordships, castle, forest, chase and premisses, or to every or any of them belonging, or in any wise app̄teyning, or accepted, reputed, or taken as part, p̄cell or members thereof, or any part thereof, or used, occupied or enjoyed there with all or with any part thereof; And also all that the manor of Cookesdale, with the rights, members, and app̄tennances thereof in said co<sup>v</sup> of Northumb<sup>d</sup>, and all and singular ye lands, tenem<sup>ts</sup>, rents, fee farm rents, and hereditam<sup>ts</sup> whatsoever of them, ye said earle, Sir Edm<sup>d</sup> Sayer, Rob<sup>t</sup> Napper, James Whitehead, John Rolleston and Christop<sup>r</sup> Crow, and every or any of them, situate, lying and being, arising, growing, reserved or payable within Riddesdale and Cookesdale aforesaid, or in any of them, and also all and singular ye messuages, cottages, houses, edifices, buildings, barnes, stables, yards, backsides, orchards, gardens, lands, tenements, meadows, pastures, feedings, rents, and rent charges, fee farm rents and assize, chief rents, rents secke, commons, common of pasture, woods, underwoods, waste, heaths, moores, mosses, weirs, waters, streams, ponds, fishings, fishing places, mines, quarries, royalties, courts leet and courts barron, view of frankpledge, perquisites and profitts of court, wardships, marriages, relieves, felons goods, felons de se, and of men put into exigent, deodants, waifes, estraies, fairs, marketts, tolls, mills, tythes, p̄fitts, commoditys, advantages, libertys, and all other privileges, franchises, jurisdic<sup>ions</sup>, preheminences, and hereditam<sup>ts</sup> wtsoever to them the said James earl of Suffolke, William lord Widdrington, Sir Edm<sup>d</sup> Sayer, Rob<sup>t</sup> Napper, James Whitehead, John Rolleston and Christop<sup>r</sup> Crowe, or any of them, which at any time were the inheritt<sup>e</sup> or p̄cell of the possessions of the right hon<sup>ble</sup> Theophilus late earle of Suffolke and the lady Eliz<sup>h</sup> his wife late countess of Suffolke, deceased, or either of them, scituate, arising, due, payable, growing or being within the lymitts or precincts of Riddesdale and Cookesdale aforesaid or either of them or elsewhere within the several places, p̄rishes or p̄cipallitys before mention<sup>d</sup>, with all and singular their appertences. And all the estate, right, tytle, interest, clayme and demande whatsoever of them the said James earle of Suffolke, William lord Widdrington, Sir Edm<sup>d</sup> Sayer, Rob<sup>t</sup> Napper,

James Whitehead, John Rolleston, and Christop<sup>r</sup> Crowe, or any of them, of, in, out of, or unto the said mann<sup>ts</sup>, lords<sup>pps</sup>, castle, chase, forrests, lands, tenem<sup>ts</sup>, rents, and all and singular other the p<sup>r</sup>misses with the app<sup>r</sup>tennces. And the reverc<sup>on</sup>, remainder, and remainders, rents, issues, and p<sup>r</sup>fitts of the premisses and of every part and p<sup>r</sup>cell thereof; Except all that scite of the castle of Harbottle aforesaid and all the demeasne lands, lands, tenements, and hereditam<sup>ts</sup> w<sup>so</sup>ever heretofore p<sup>r</sup>cell of the said lords<sup>pps</sup> of Riddisdale, Harbottle or Cookedale or any of them, heretofore b<sup>g</sup>ained and sold or men<sup>c</sup>oned and intend<sup>d</sup> to be b<sup>g</sup>ained and sold by the right hon<sup>ble</sup> Theophilus late earle of Suffolke d<sup>e</sup>ced, and the lady Eliz<sup>h</sup> his late wife, late countess of Suffolke also d<sup>e</sup>ced, Sir Edm<sup>d</sup> Sayer and Marmaduke Moore and other trustees of the said late earl, or by any one or more of them to any p<sup>r</sup>son or p<sup>r</sup>sons whatsoever. Nevertheless ye several rents of the said scite and except<sup>d</sup> tenem<sup>ts</sup> and p<sup>r</sup>misses reserved upon the sale thereof to remaine and be payable henceforth unto said Charles Howard, Rich<sup>d</sup> Newman and Tho<sup>s</sup> Lee, their heirs and assignes for ever. To have and to hold ye said mannors, lords<sup>pps</sup>, castle chase, forest, lands, tenem<sup>ts</sup>, rents, and all and singular other the p<sup>r</sup>misses with their and every of their app<sup>r</sup>tennces and every part and p<sup>r</sup>cell thereof, except before except<sup>d</sup>, unto the said Charles Howard, Rich<sup>d</sup> Newman and Tho<sup>s</sup> Lee, their heirs and assignes for ever. To the only use and behoofe of the said Charles Howard, Rich<sup>d</sup> Newman and Tho<sup>s</sup> Lee, their heirs and assignes for ever. In witness whereof ye p<sup>r</sup>ties first above named to these present Indent<sup>s</sup> interchangeable have sett their hands and seales ye day and yeare first above written.

And be it rememb<sup>d</sup> that the tenth day of November in the year above written the foresaid Christopher Crow, came before OLIVER lord Protector of the Commonwealth of Eng<sup>d</sup>, Scotland, and Ireland, and the dominions and territories thereto belonging, in Chancery, and acknowledged the Indentures aforesaid and all and every thing therein contained and specified in form aforesaid.

A true copy,

(Signed) JOHN KIPLING.

# APPENDIX.

## II.

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### LETTERS AND ADDRESSES OF MR. WALTER HOWARD.

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1797. WALTER HOWARD to CHARLES DUKE OF NORFOLK, (*referred to at pp. 38, 413*), has been inserted at page 441.

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1804. June 2. WALTER HOWARD to CHARLES DUKE OF NORFOLK, (*referred to at pp. 15, 444*), has been inserted at page 446.

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1805. WALTER HOWARD to CHARLES DUKE OF NORFOLK, (*referred to at pp. 436, 443*), has been inserted at page 448.

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1805. July 30. Appeal to LORD ELDON, LORD CHANCELLOR, (*referred to at pp. 15, 434, 444, 449, 450*).

Please your Lordship,

The power and authority of your lordship, as lord Chancellor, in behalf of orphans and persons disinherited, who have not the power to act for themselves, induces me to represent my case to your lordship's examination and consideration.

By the pedigree, copies of deeds, &c., which I have the honor to forward for your lordship's investigation, I find myself disinherited, and disclaimed by obscurities for the purpose of disannulling me.

And independently of any other claim, I wish to observe to your lordship, that the present duke of Norfolk did mention to my wife and myself that there was a small estate he had in charge and care belonging to me, of about £400 a year, worth, he observed, if I thought proper to sell it, about £6000 or £8000. If the duke had not been in full possession of such part as concerns me, I presume he could not nor would have made mention of it. Therefore, I consider it but just that he should discover it to me.

It was by desire and order of the present duke to prove my family, that my pedigree was procured from the Heralds' office. From the said pedigree I find every attempt has been made to obscure my descent and disannul my pretensions. Sir Charles Howard, of Naworth, with whom the pedigree commences, is obscured by the false title of Sir Charles Howard of Somersham; and the indentures of 1657 refer to one and the same person; the estates were enjoyed by his heirs for three generations after him; and if they were entailed from heir to heir, I think I have a right to inquire of those in possession, whether they hold them according to law or justice.

And further, I must observe to your lordship that some writings and papers which the duke required of me to entitle me to the protection of the Norfolk and Howard family, I am unable at present to lay before your lordship; I left them in possession of Mr. —, attorney, of —, that he might act for me as a mediator with the duke; but he has relinquished my business; and retained possession of my papers for the small sum of £3 15s., which Mrs. — advanced or lent to my wife at different times to that amount, during the two years he had my business in his hands. It is not in my power, at present, to produce these papers, nor am I able to support the expenses attendant on my appeal to the law; and without money I presume none will undertake it.

Please your lordship,

I am, with all due respect,

&c. &c. &c.

30th July, 1805.

WALTER HOWARD.

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1805. August 14. WALTER HOWARD to LORD ELDON,  
LORD CHANCELLOR, (*referred to at p. 450*).

Please your Lordship,

I addressed a letter, with a copy of pedigree and extracts of deeds enclosed, for your lordship's investigation, on the 30th July. I have frequently called in hopes I should have been favored with an answer. My situation is such that it is not in my power to employ any person of the law to wait upon your lordship respecting the business; and not being acquainted with such forms as may be deemed necessary, I have found myself under the necessity of making my personal application to your lordship.

It is a singular case to be put in possession of an estate and to be thrust out of it again in the unjustifiable manner that I have been. Myself and my wife were taken down to Ewood by Mr. Seymour, the duke of Norfolk's steward, and there put in possession of an estate as our own; but were obliged to come away for reasons I have explained to the duke. We have since been frequently down to Ewood, but were not suffered to remain there by the persons in possession. The rents of an estate at Dorking, I have been told, were formerly received in my father's name; and I find the Deepden estate belonged to the manor of Dorking, and was exchanged for Ewood, which is now held in the name of the duke of Norfolk; though I do not find that he does lay claim to it. The unjustifiable treatment I have received on his account must, however, reflect greatly to his dishonor, after what he had expressed to my wife and to myself. I have been kept out of this estate now many years; and have not received the smallest benefit from it.

I trust what I have stated herein, and in my letter to your lordship of the 30th July, will enable you to find sufficient reason to entitle me to the estate mentioned, and that the duke, at your lordship's instigation, will give me possession of it.

Please your lordship,

I am, with all due respect, &c. &c.

14th August, 1805.

WALTER HOWARD.\*

\* A letter in similar terms was also addressed to the lord Chancellor on the 22nd August, the same year.

1806. May 30. APPEAL and ADDRESS to the HOUSE OF PEERS, (*referred to at pp. 15, 363, 439, 452*).

Please your Lordships,

Finding myself without any other means of redress, I solicit that the subject of my appeal may come under your lordships' examination and consideration.

I enclose copy of pedigree and of deeds of indenture, &c. from the Heralds' office and the Rolls Chapel in Chancery.

It was by the desire of the present duke of Norfolk that my pedigree was made out, in order to entitle me to certain property; but since then the duke will not come to any understanding; nor give any satisfactory answer; therefore, I wish to submit my case to your lordships' investigation and judgment; as I find myself disinherited by very unjustifiable means; and disclaimed by obscurities and false entries for the purpose of disannulling me.

If the legitimacy and right descent of the Howard family is obscured, I should consider it the duty of the duke of Norfolk, as Earl Marshal, to inquire into such causes. For many years past I have continued to send to the duke such statements and proofs as I could; but I have never received any satisfactory answer.

I desire to observe to your lordship that the duke of Norfolk did mention to my wife and myself, that he had a small estate in charge and care belonging and coming to me of about £400 a year; worth, he observed, if I thought proper to sell it, about £6000 or £8000. I presume that if the duke of Norfolk had not been in full possession or in charge of such part as concerns me, he would not have made mention of it. Therefore, I consider it but right and just that he ought to discover it and deliver it up to me: and explain how it happened that the rents of property at Dorking (as I have been told), were formerly received in the name of my father, William Howard.

In this case I find it necessary to make my appeal to your lordships; and if my right to other estates should not be made out, or should be disputed, I think I have a just right to charge the duke of Norfolk of withholding from me the estate of Ewood

of which he gave me possession; now in the possession of two persons named Burbury and Wilton, and held by them in the duke's name.

When my wife and myself were taken down to Ewood estate, by Mr. Seymour, steward at Norfolk House, and placed in possession of it as my own, I considered we went down in our own names; instead of that we were represented of the name of SMITH, without our knowledge or consent. It was on that account, and the very singular treatment I experienced there that caused us to come to town; being desirous of obtaining a satisfactory answer from the duke: but our names were refused to be delivered at Norfolk House. Now I consider simply coming to town was not relinquishing possession, nor forfeiting the estate. But since then we were told by persons who had taken possession in our absence, that 'they were on the inside and we were on the outside;' and from that time possession has been retained from us.

As the duke of Norfolk is not disposed to give me any manner of satisfactory answer to my family wrongs, I am urged to solicit your lordships, that I may have my trial, as to such rights as I may or ought to be entitled to.

On the 9th of this month of May, I did address a letter to the duke of Norfolk, and left it at the House of Lords. I have not received any answer; and the multiplicity of letters I have delivered to the duke on the subject of his promises, leave me hopeless without the interference of your lordships; for I have been put off with prevaricated excuses week after week, month after month, and year after year. As the duke will be present in the House of Lords, he can explain and justify his conduct towards me. I am neither envious nor ambitious beyond my claim to the performance of his promise.

I have the honor to subscribe myself,

Please your lordships,

With all due respect,

&c. &c. &c.

30th May, 1806.

WALTER HOWARD.

1806. June 3. To the HOUSE OF PEERS, (*pp.* 444, 453).  
Please your Lordships,

I found myself under the necessity of addressing an appeal to your lordships, which I left at the House, last Friday, the 30th May, to solicit your lordships that my cause may come under the examination and consideration of the House relative to my family claims and right; and the duke of Norfolk may explain why he withholds from me an estate which he told myself and my wife belonged to me.

As I am told this is not a case of common law, I can get no one to undertake it. But I consider I have a just right to charge the duke of Norfolk of withholding my rights from me; and there are obscurities in every branch of the Howard family, which never could have been, without the knowledge of the Heralds' office. Therefore, I desire investigation.

The duke of Norfolk went out of town yesterday, and has not given me any satisfactory answer. I have now called to know if your lordships have been pleased to leave any reply to my application.

Please your lordships,

I have the honor to be, with all due respect, &c. &c.

June 3rd, 1806.

WALTER HOWARD.

1809. July 10. To LORD ELDON, LORD HIGH CHANCELLOR OF ENGLAND, (*referred to at p.* 457).

My Lord,

Labouring under every hardship, in consequence of my appeal to your lordship, and the wrongs and injustice I sustain in consequence, I find myself at length compelled to adopt this mode of addressing your lordship.

I have been ignominiously turned out of the Chancery Court, for no other reason than having humbly attempted to ask permission to represent my cause in your lordship's presence, and that of the Court. For though perhaps I am neither qualified by the regular forms of law, nor by the possession of abilities for such a task, yet I still cannot but be of opinion that I have an undoubted right to plead my own cause in a Court of Equity, when, on account of my poverty, none of the gentlemen of the law will interfere in my behalf.

The property to which I lay claim, and to which I have particularly called your lordship's attention in my Appeal and other writings, is Ewood estate, in Surrey,—an estate which my wife and myself were put in possession of by Mr. William Seymour, the duke of Norfolk's agent, who purchased it for me in consideration of my having been disinherited of greater rights and property. This estate is now occupied in the name of the present possessor of the Norfolk title.

It is now more than four years since my appeal to your lordship, and I cannot but think that I have reason to complain of the hardship of not being allowed to have my cause brought before the Court. If the present possessor of the estate can prove his right to it, he cannot fear the operation of the law. If I am an imposter, a trial would at once prove me one, it is therefore quite as necessary for his honor as for my interest. My credit and reputation are lost, owing to the various means adopted to ensure my ruin.

For myself, I have used every endeavour to bring my cause to trial, but none will undertake it by reason of the expense; and of this the present possessor of the title of Norfolk takes the most ungenerous advantage. The last time I addressed your lordship was to request you would order a reference to Sir A. Pigott; that gentleman being intimate at Norfolk House, I was in hopes of obtaining through him a favorable answer, in order that I might cease to trouble your lordship and the Court: but to this request I have obtained no reply.

If the present possessor of the Norfolk title does not think proper to deliver up the estate of Ewood, as well as the estate he told my wife he had in charge for me, which he cannot prove he has any just claim to, I trust I have a right to make my appeal to your lordship as a pauper, and to solicit the interference of the law in my behalf.

I am, please your lordship,

With all due respect,

July 10th, 1809.

WALTER HOWARD.\*

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\* This letter was printed in the *Mysterious Heir*, 8vo., 1816, copied from the *Examiner* Newspaper August 20th, 1809. The above is taken from Mr. Howard's MS.

1809. September 6. WALTER HOWARD to CHARLES DUKE OF NORFOLK, (*referred to at p. 430*), has been inserted at page 457.

1809. November 5. WALTER HOWARD to CHARLES DUKE OF NORFOLK, (*referred to at pp. 15, 442*), has been inserted at page 459.

1809. December 18. To the LORD CHANCELLOR, (*referred to at pp. 17, 19, 432, 461*).

Please your Lordship,

I have no other means of redress, and little hope in addressing your lordship, since I find the law will not interfere (unless perhaps to punish me, if sufficient cause could be found), and none will interest themselves on my behalf.

It is reported that I am mad, and that I am an imposter. I ask for more impartial justice than slander and falsehood. If my enemies could bring any charge against me, I am certain they would do it.

In regard to my appeal to your lordship, of the 19th July last, as to my right of claim to the Ewood estate; and the objections the law opposes to me, I wish to make a few observations.

Is the law so remiss and weak to pronounce a negative right for no other reason than not being in possession? \* And is the possessor to produce no proofs by which to justify his right? If so, it is only the principle and doctrine of a robber and a sharper; and the law is no protection. But I never could be informed of any law to justify any one in withholding another's rights. If that were the case, the law tolerates a roguery, and there is no protection. A child is wronged of his birthright; and when he comes of age and makes the discovery, he finds there is no redress for him in law.

Another objection: I am asked if I can prove my father was my father; and so on to my father's father, &c. &c. Such absurd questions are only fit to be put by a school-boy. I can safely swear with truth, to the best of my knowledge and

\* Mr. Howard had forgotten old legal maxim: *Dominium à possessione capisse dicitur*; and the familiar saw of the *nine points* &c.

conscience, that I never knew any other father than him I knew and considered to be my father, William Howard; and many knew him, as well at the Heralds' office, and Mr. Seymour, and the late possessor of the Norfolk title (who was called Mr. Howard of Greystoke), who were chief mourners at my father's burying; so I am informed by Mr. Seymour and others; and he died at Lambeth. I apprehend it is more than the present possessor of the title of Norfolk can hazard to swear—that he never had any other father than the late possessor of the title, otherwise Howard of Greystoke.

As no one is willing to hazard the expenses of my appeal, and I am too poor to support them, I must submit to be wronged of the last remnant of my family's ruin; and Ewood estate, that was granted to me in recompense for greater rights, the law will not assist me to recover. I have before told your lordship how myself and my wife were placed on that estate; and how we have since been forcibly kept out of it by those in possession, who are making a property of it in the name of the duke of Norfolk. The reasons why we came to London I have also stated to your lordship.

It is a hard thing to be wronged out of property without the power and privilege of having the cause tried.

If the present possessor of the Norfolk title had any lawful heirs to the Norfolk estates, they would still have sufficient to inherit, without suffering his name to be employed to withhold from me the small estate of Ewood: nor could it be much object to grant me the estate he told my wife and myself he had in charge and care for me.

If the claim to the Roxburgh title could be inquired into, in the House of Lords, which has been dormant so many years, it ought to be of importance to inquire into the Norfolk title and estates, as it appears to me there has been no right heir for some time past.

If there is no other means of redress, it appears to me it is within the authority and power of your lordship, as the head of the law, to introduce my claim and appeal to the House of Peers.

I am, please your lordship, with all due respect,

18th December, 1809.

WALTER HOWARD.

1810. June 14. WALTER HOWARD to CHARLES DUKE OF NORFOLK; (*referred to at pp. 15, 465*), has been inserted at page 465.

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1811. January 28. ADDRESS and APPEAL to the HOUSE OF PEERS, (*referred to at pp. 15, 443, 467, 480*).

Please your Lordships,

For many years past I have represented my case to the public through the newspapers, in hopes that my case might come under your lordships' notice and consideration.

I apprehend that it may now be about two sessions past, that, animated in a just cause, I entered the House of Peers, with the present possessor of the Norfolk title, in the hope of being permitted to represent my case before the members of the House of Peers, and in the presence of the duke to state publicly what he had expressed to my wife and myself. I had already delivered my papers to the lord Chancellor; and an appeal addressed to the Speaker of the House of Commons the 14th April, 1809.

By those writings and papers I discovered myself to be disinherited, and my family obscured; but whatever my original rights, I was put in possession of the Ewood estate, county of Surrey, by the present possessor of the Norfolk title; and William Seymour, steward at Norfolk House, who took myself and my wife down, and placed us there in possession as our own, in recompense of greater rights, of which I had been deprived: a small recompense indeed! This property I consider I have a just right to, as I was actually in possession; but was forcibly deprived of it, and turned out by order of the duke, as it was said. It appears to me that it is the duke's agents, or the persons upon the estate, who are making a property of it, while the duke's name is being used as a protection; or why should he blame me for not staying there when I was there?\* And if that was his only objection, why was I not at liberty to return when I pleased with the same freedom as before? The reasons for my going to town I have already explained, and need not be repeated to your lordships.

\* This appears to refer to some interview with the duke.

The duke has never complied with anything he ever expressed or promised : nor will he discover to me the small estate of £400 a year which he told my wife and myself he had in charge and trust belonging to my family ; and this was previous to any family proofs being delivered to him. But this claim I have offered to forego, and to make any terms, if he would grant us the Ewood estate that we were in possession of, which I consider to be a small object for him to withhold, as he has no legitimate heirs to succeed, either to that or to the Norfolk title and estates.

The unhappy circumstances I labour under will be seen from my present address ; and I appeal to your lordships' protection against the illiberal and unjust treatment I have received.

I have the honor to subscribe myself,

Please your lordships,

With all due respect, &c. &c. &c.

London, 28th January, 1811.

WALTER HOWARD.

1811. February 12. LETTER OF APPEAL to HIS ROYAL HIGHNESS THE PRINCE REGENT, delivered into the hands of the PRINCE, on Saturday, the 25th April, 1812, (*referred to at pp. 15, 363, 469, 480*).

Please your Royal Highness,

The splendour of your position, the dignity of your authority, and the legislative wisdom of your government can gain no embellishment from anything I can offer in the way of adulation. As Regent of these Realms, appointed by the unanimous consent of the parliament and the general voice of the people, since the indisposition of your royal father, your Royal Highness stands in that pre-eminent position to which the afflicted and the injured must appeal for redress, as to one whose enlightened mind and most serious attention are devoted to the general welfare of the public and the relief of the distressed.

My prospect in addressing your Royal Highness on the present occasion is singularly fortunate. Actuated by a just cause and the strictest truth, I am happy in the opportunity of your Royal Highnesses accession to power, that enables me to lay my grievances at the foot of the throne ; and, unqualified as I am, I

trust to the liberal indulgence of your Royal Highness in the following recital.

Having been brought up and educated abroad under the protection of Edward duke of Norfolk when young, in obscurity, and kept in ignorance of my birthright, I have for some years past sought justice by appealing to the lord Chancellor, to the House of Peers, and to the public through the newspapers, in the hope that the subject of my complaint might, by some of these means, be brought to the knowledge of your Royal Highness.

Not having sufficient influence with any member of the House of Peers to have my appeal brought before the House in regular form, I had no other expedient than to direct it to their lordships, and deliver it into the hands of the lord Chancellor.

I apprehend it may be about two sessions past, unqualified as I was, though in a just cause, I entered the House of Peers, with and in presence of the present possessor of the title of Norfolk, in hopes of having been permitted to represent my claims in presence of the duke, as to his promises made to me, and my right to an estate which he had represented both to my wife and myself as belonging to me. The answer I received was: "Not to disturb the House, and they would consider about it." I took that as my answer.

On the 14th April, 1809, I made my appeal to the House of Commons, in a letter to the Speaker, but without any favorable result.

Events and circumstances are so singular in my case as to claim particular indulgence. By false representations I have been disinherited; and by a pedigree which I received from the Heralds' office, by Sir Isaac Heard and other of the Heralds, I find myself and the right descent of my family obscured; and from researches I have made and proofs I have delivered, it appears to me there has been no right and lawful heir to the Norfolk title and estates for some time past. But if my judgment should be wrong in this case, I trust it is not so in regard to the particular object of my claim.

In consideration of being disinherited of more considerable property, I was put in possession of the Ewood estate, in the county

of Surrey, by the present possessor of the Norfolk title, and Mr. Seymour, steward at Norfolk House, who took myself and my wife down and placed us there in possession as our own; but we were afterwards forcibly turned out, as represented, by orders of the duke; and the place has since gone to decay. The estate has been plundered and stripped of everything; the buildings are falling down; and the mill, that was in constant employ, is since a total ruin, though many persons have applied to me to rent it to them. But I am not suffered to occupy or even to be upon the estate, it is said, by the duke's desire. The land is going to waste and ruin; and the very house in which we lived has been pulled down, so that, as it is said, we shall not again take possession of it.

It is said I could have no claim to this estate, as the duke bought it; but I have been told that the rents of some property at Dorking were received in the name of my father, William Howard, by Mr. Seymour, steward to Mr. Howard of Greystoke, the late possessor of the Norfolk title; and Ewood was purchased by the sale of Deepden.

How far your Royal Highness may consider the Ewood estate to belong to the duke or to me, I must leave to the judgment of your Royal Highness. But it is a singular thing the duke should say he had an estate in trust and charge for me; and that he should blame me for not staying at Ewood when I was there. If that was his only objection, why was I not at liberty to return when I pleased.

I have offered to forego every other claim, trusting constantly that the duke would come to some just and right understanding; but I have been put off with prevaricated excuses and been insulted by the servants: how far in this I may consider the duke culpable I am at a loss to know.

Lamenting my unhappy situation, deprived of every means of obtaining redress by law, I hope your Royal Highness will have the goodness to take into your consideration my claim to the Ewood estate: a small recompense for all my sufferings, which I presume by your Royal Highness's authority and intercession will be restored to me. I am now past the meridian of life (over 51), and my wife, as well as myself, incapable of enduring the

hardships and difficulties we have so long suffered; and should be glad to retire to a cottage at Ewood, which would suffice to make my wife and myself comfortable for the rest of our lives.

I have the honor to subscribe myself,

Please your Royal Highness,  
With all due submission and respect,  
&c. &c. &c.

WALTER HOWARD.

1815. February 22. WALTER HOWARD to CHARLES DUKE OF NORFOLK, (*referred to at pp. 437, 444, 482, 497*).

Your Grace,

I address you by the title you hold, which is that of the head of the family.

If you say that my proofs are not sufficiently clear, that objection can proceed from no other cause than the family being obscured by false titles purposely to disclaim me; but does not nor can disannul me from being a lawful and legitimate descendant; for it only discovers the fraud and imposition that has been practised on me. You cannot, I presume, be totally unacquainted of the truth of my assertion.

When I was put in possession of Ewood estate, it was in consideration of being disinherited of greater rights; and surely no advantage ought to have been taken of my merely coming to town to have an explanation with you respecting the unjust behaviour I received there. That *that* should have given such offence (which, if you had not declined coming there for a long time, would not have happened)—would seem very strange, if the object had not been to deprive me of the estate.

If your intention towards me had been as represented, why were we not at the same liberty to return with the freedom that we first went there; or as any gentleman may come and go when he pleases, without being turned out of his residence under such a pretence as I have been?

22nd February, 1815.

WALTER HOWARD.

Put this in the post, Blackfriars Road.

## ADDITIONAL NOTES, AND CORRECTIONS.

Page 22. n., line 17, "*The old duchess of Lenox*," was Frances Howard, daughter of Thomas viscount Bindon, who survived three husbands, and by her blandishments occasioned the death of Sir George Rodney, who, passionately in love with the young and fascinating widow, courted to have been her second. The unhappy gentleman, in despair and indignation at her mercenary match with (Edward Seymour) the old earl of Hertford, took farewell of her in a pathetic letter written with his own blood; and fell upon his sword,—“leaving the countess to a strict remembrance of her inconstancy, and himself a desperate and sad spectacle of fidelity.”—*Banks, Dorm. & Ext. Baronage*, v. iii., p. 82. The third husband of the lady Frances Howard, was Ludovic Stuart, duke of Lenox and Richmond, to whom she was third wife; and thus became step-grandame to the young lady married to the lord Frederick Henry Howard. The countess of Arundel referred to this subject, in a letter on family affairs, to the lord Andover.—*Ante*, p. 58, n.

— 24. n.\* The reference should be.—*Mysterious Heir*, 8vo., 1816.

— 28. l. 19, after papist *dele* the comma.

— 46. Pedigree, in the fourth generation, *for* Alexander Huntley, marquess of Gordon, *read* Alexander Gordon, marquess of Huntley.

— 47. l. 1, *read*—We are not *all* alone unhappy.

— 51. l. ult. and two references in p. 52, *for* Thurlow *read* Thurloe.

— 54. l. 5. *Aged defender*.

Henry marquess of Worcester was eighty four years of age. Clarendon says the castles of Raglan and Pendennis endured the longest sieges and held out the last of any forts or castles in England; being bravely defended by two persons of very great age; and were at length delivered up within a day or two of each other. Raglan was maintained with extraordinary resolution and courage, by the old marquess of Worcester, against Fairfax himself, till it was reduced to the utmost necessity.—*Hist. Rebellion*, v. iii., p. 40. Although the garrison surrendered on honorable conditions, an order of Parliament directed that the earl\* should be brought to London and committed to the Tower (*Comm. Journ.*, v. iv., p. 657); but he died at the house of the messenger who had him in custody. The peerages say he had a noble funeral at Windsor; and that the parliament voted a thousand pounds for the purpose. The statement requires qualification. From the Journals it appears, that on Saturday, 19th December, 1646, a message from the Lords desired an allowance may be made for the

\* The marquessate was not acknowledged by the Parliament; having been created Nov. 2, 1642, after the commencement of the war.—*Vide* p. 76.

funeral of the earl of Worcester, according to his degree, and for other charges touching him, out of his own estate: and it was resolved, by a majority of 168 against 92, "that £500 be allowed out of the earl of Worcester's estate for his funeral and for defraying other charges and expenses concerning him: that the said £500 be raised out of the plate and other goods of the earl of Worcester bought up by Mr. Thomas Herbert, one of the Commissioners of the army, and now in his custody: that the disposing of the money be under his care, to the purposes aforesaid; and to be accountable to this House; the said Mr. Herbert to take care that the said earl of Worcester may be buried according to the Directory, not otherwise.—*Com. Journ.*, v. v., p. 20.

At the same time it was resolved that £500 be raised out of the plate and goods of the earl of Worcester, in the custody of Mr. Herbert, for the funeral of the lord Docwra, and for making provision for some of his friends, in such manner as the Committee for the affairs of Ireland shall direct.—*Ibid.*

Thus the vote of £1000 out of the earl's estate and effects, was in the nature of a compromise between rebellion and loyalty, the lord Docwra of Calloon having served the Parliament in arms against the rebels in Ireland.

The sacrifices made by the earl of Worcester and his family, including the entire loss of a noble patrimony, have been estimated at nearly a million sterling.

— 54. l. 5, *The fortune of flight to his son.*

Edward earl of Worcester returned from France to assist Charles the Second in his final struggle for the throne, and joined the advanced forces on march from Scotland. Just before the final overthrow at Worcester, a letter from the camp stated, that "A servant of Massey's came into Cromwell's quarters and reported that the want of the king's army was very great; that his master was shot in the hand; and the earl of Worcester wounded in the mouth."—*Whitelock, Mem.*, 536.

This untoward event prevented the earl's escape; though he lay for some time concealed; and on Wednesday the 28th July, 1652, a resolution of parliament was passed to the effect "That the earl of Worcester do stand committed to the Tower in order to his trial.

"Resolved, that it be referred to the Council of State to consider in what way the earl of Worcester may be tried; and who hath harboured him. And to consider of all circumstances in this business; and to report their opinion to this House on Friday morning.—*Com. Journ.*, v. vii., p. 159.

After a year's imprisonment, on "Monday the 29th August, 1653, Col. Rous reported from the Committee of petitions: The humble petition of Edward Somerset, earl of Worcester, now prisoner in the Tower. Also the humble petition of Margaret countess of Worcester; which having been read, it was

"Resolved by the parliament that it be referred back to the said Committee, to require of the said Earl to explain these words in his petition, viz. '*with encouragement from persons then at the helm he came into England;*' and report the same to the House."—*Ib.*, p. 309.

If any explanation was given, it probably was not satisfactory; for on Monday, October 3, when Col. Rous reported the petitions of the earl and countess of Worcester, it was ordered, "That the petitions be laid aside."—*Ib.* 328.

Another year's imprisonment; and a renewed appeal was attended with better success. On Thursday, October 5th, 1654, on a petition from the earl of Worcester being read, praying "for some enlargement from the Tower," Guibon Goddard reports, "that although it was alleged the earl was a papist,—a papist in arms, and had been in arms in England, and headed a party in Ireland; had made a most dishonorable peace there; had done many other disservices, for which he was excepted from all mercy and pardon; his whole estate to be sold, and all such to be banished; yet in regard he was an old man; had lyen long in prison; that the small pox was then in the same roof where he lay; that he had not, as was said, done any actions of hostility but only as a soldier, and in that capacity had always shoven courtesy to the English prisoners and protestants; it was therefore ordered that he should be bailed out of prison."—*MS. Journal*, fo. 33. The resolution of the House was: "That the earl of Worcester have his liberty for the present upon bail, till parliament take further orders: that the lieutenant of the Tower do take sufficient bail; and that a warrant do issue under the Speaker's hand for that purpose."—*Comm. Journ.*, v. vii., p. 373.

Freedom from restraint gave liberty without ease: and the next difficulty appears to have been, that the apportionment of a "fifth" of something for the maintenance of the countess, out of the wreck of the earl's estate, was unpaid and in arrear. The progress of this appeal will give some idea of the position of the earl and countess until the restoration of the king acknowledged their rank and ameliorated their condition.

On Saturday, 14th March, 1656, a petition of Margaret, countess of Worcester being read, it was ordered by the Commons in parliament assembled, "That the petition be referred to a Committee to consider thereof, and to offer something to the House, what means they think fit for the petitioner's relief." The Committee was forthwith nominated, and appointed to meet "on Monday morning next, at seven o'clock, in the Inner Court of Wards."—*Comm. Journ.*, v. vii., p. 504.

On Monday, 30th March, 1657, Mr. Burton reported from the Committee, a Bill for settling the messuage in the Strand, called Worcester House, on trustees, for Margaret, countess of Worcester, *in lieu and satisfaction of the arrears of her fifths*. The Bill was read the first time; and ordered for second reading "on Thursday morning next:" (*Ibid.*,

p. 514), but it was Saturday, the 2nd May, before the Bill was read the second time, and committed. "The Committee to meet on Tuesday next, at two of the clock in the afternoon."—*Ibid.*, p. 529.

On Friday, 26th June, a Bill for settling Worcester House in the Strand, on certain trustees named, during the life of Edward, earl of Worcester; and also such monies as were due to the said earl or Margaret his countess, from Barnaby, earl of Thomond,\* in trust for the said countess, was read a third time; the humble petition of Barnabas earl of Thomond having been read; and a proviso added to the Bill "That this Act shall not impeach or render invalid the sale of the Gate House of the said Worcester House, by the trustees appointed for the sale thereof.†"—*Ibid.* p. 576. "On the same day, in the afternoon, in the Painted Chamber, the Bill received the Protector's assent."—*Ibid.* p. 577.

In more settled times the unhappy lady might have rejoiced in a consummation so full of promise; but at this period performance did not always follow; and after nearly two years, the appeal of the countess of Worcester was again before the Commons in parliament.

On Thursday, 14th April, 1659, after Prayers, Mr. Terill reported from the Grand Committee for Grievances, the petition of Margaret, countess of Worcester, concerning her interest in Worcester House, in the Strand, when it was Resolved, 1st. That Margaret countess of Worcester shall have the actual possession of Worcester House delivered up to her on the 25th day of March next; and that in the mean time the rent of £300 be paid to her for the said House, commencing from the 25th March last, out of the Receipt of the Exchequer, half yearly by equal portions, if her interest so long continue; and 2ndly, that the sum of £400 be paid to Margaret, countess of Worcester or her assigns, out of the Receipt of the Exchequer, in recompense of all demands for detaining of Worcester House, since her title thereunto by virtue of the late Act of Parliament, until the 25th March last.

A Committee was then appointed to wait on his Highness the lord Protector, to desire his Highness to give directions for a Privy Seal to be

\* This referred to the Settlement of Henry earl of Thomond on his daughters. Barnabas earl of Thomond, who took the estates under the Settlement, on the 1st July, following the date of the petition, made his Will, in which he narrated the following adverse current of events. He stated that the great sum of money charged on the estate by his brother earl Henry, would have been long since paid by him, if the lands and rents in Ireland had not been forcibly taken from him by the means of the late wars there. That since the wars his brother's lands and his own estate there, by the unexpected and unnatural actings of his nearest relations in the rebellion, were withheld from him to the loss of near £100,000; yet he adds; "I desire my son to keep fair correspondence with my nieces for the speediest payment of the monies to them that are unpaid."—*Lodge, Peerage of Ireland*, v. ii., p. 36.

† The Gate House had been sold by the Commissioners for sequestrations, with other property, in the city of London and county of Middlesex, "the lands and possessions of Henry earl of Worcester, Edward lord Herbert of Raglan, and Sir John Somerset," in 1646.—*Comm. Journ.*, v. v., p. 74.

issued to carry out the foregoing resolutions; and it was further Resolved, That it be referred to a Committee to consider how to remove and where to place the conveyances, records and other writings now remaining at Worcester House, as they may be disposed for the safety and service of the Commonwealth.—*Ibid*, p. 639.

On Tuesday, 19th April, Mr. Annesley reported, that the Committee on the countess of Worcester's business had attended his Highness, and acquainted him with the Order of the House in that behalf. That his Highness was pleased to give the Committee this answer: That he assured himself the House had considered the subject, and that himself was therewith satisfied, and did take notice of the Order; and would give speedy direction for her satisfaction accordingly.—*Ibid*. p. 642.

The Privy Seal was slow, or the Receipt of the Exchequer overburthened with elaims having precedence of consideration; and on Friday, 19th August, 1659, an Order of the House directed, "that six pounds per week be paid to Margaret countess of Worcester or her assigns, as long as Worcester House shall be made use of by the Commonwealth;—to be paid out of the contingencies of the Council of State; the acquittance of the said countess to be a sufficient discharge."

At the same time it was ordered, that the Committee for removing Obstructions, Trustees, Contractors, and other Offices at Worcester House (the Treasury also was there), do quit the said House, as soon as they can conveniently, without prejudice to the service of the Commonwealth; and when quitted, that it shall be settled on the countess or on trustees for her during the life of Edward earl of Worcester. And it was referred to the Committee to set out some rooms in Worcester House for the use of the said countess of Worcester in the mean time.—*Ibid*. p. 763.

The poor lady was housed at last,—if an Order of Parliament had been the consummation of the fact: but a further Order appended by way of rider, was calculated to disturb the whole arrangement; viz. That the Committee do examine if it be necessary for the Commonwealth to continue to make use of Worcester House for the service of the Commonwealth.—*Ibid*.

It was necessary; there was no authority in the Committee or any will in the executive to effect a change; and all the legislation for the relief of the countess of Worcester to this time had been effete. The parliament itself had been dissolved by military force, and the long Parliament recalled to existence, when on Wednesday, 14th March, 16<sup>59</sup>/<sub>60</sub>, the course of legislation was recommenced; and an Act introduced "For settling Worcester House in the Strand, on trustees for the use of Margaret countess of Worcester, during the life of Edward earl of Worcester; and also such monies as are due to the said earl or countess from Barnabas earl of Thomond." The Bill was read the first time; and an Order made that the *pension* of six pounds per week formerly ordered to Margaret countess of Worcester be continued until the parliament take further

order; and that the same be forthwith paid, *with all arrears thereof from the time of the granting thereof*, unto her or her assigns, out of the contingencies of the Council of State; and that the Council of State be and are hereby authorized and required forthwith to pay the same accordingly; and that the Council of State be repaid the same money out of the revenue of the Exchequer. That the possession of Worcester House be forthwith delivered up to Margaret countess of Worcester; and the Council of State are hereby authorized and required to take care that the possession of the said House be delivered up accordingly.—*Ibid.* p. 875.

The Act was passed (*Ibid.* p. 876); but the Order was a nullity. On the following day the parliament was dissolved; and another, assembled the 25th April, restored the monarchy to the king; and his estate to the marquess of Worcester; but it required a special order of parliament forcibly to dislodge the sturdy occupant of the Gate House of Worcester House in the Strand.

*Page 54. l. 14. A dowerless maiden.*

A petition to parliament, December 10, 1650, represented "that the lady Anne Somerset was not then full twenty years of age: that it did not appear to the Commissioners [for compounding with delinquents at Goldsmiths' Hall] whether she be a papist or not; but that from about five years old she had been educated by her grandmother the lady Dormer, who undoubtedly was a papist."—*Comm. Journ.*, v. vi., p. 506. The lady Dormer, (Alice, daughter of Sir Robert Molyneux, of Sefton, co. Lanc., knt.) was certainly of a romish stock; and her manor of Loseby had been for some years under sequestration for recusancy, when she died on the 2nd July, the year of the petition. By a deed of settlement, March 4, 1643, the lady Dormer had given the reversion of her estate (let on lease by the State at £700 per annum) to her granddaughter, the lady Anne Somerset; who a few months after her interest became active, September 10, 1650, with the surviving trustee, Sir John Byron, executed articles of Sale to Sir John Hutchinson, a member of the parliament; and the interest of the Commissioners for Sequestrations in the religion of the lady Anne Somerset lay in the fact whether or not they could take the life-interest of a recusant, in sterling value out of the purchase money or in the shape of a rent-charge on the estate. In either case her fortune was sacrificed to the pressing necessities of her family. The whole of the estate and inheritance of her father had been confiscated for his attachment to the king, in 1646; and the family of her mother had been tainted with constancy to the throne to a degree equally malignant. Her father, Edward lord Herbert of Raglan, had married the lady Elizabeth Dormer, sister of the valiant earl of Carnarvon, slain at the first battle of Newbury. She had deceased when lord Herbert, in 1646, succeeded to the empty earldom of Worcester; although the peerages represent her in life years after the earl had married a second wife. The ladies Anne and Elizabeth Somerset were motherless, and their father a proscribed outlaw,

when, on the 17th March, 1647, they presented a petition to the Lords in parliament. praying "that some competent proportion of lands in certain, of their father's remaining estate sequestered, may be settled on them for their maintenance and support in time to come. The petition was sent to the Commons with "a recommendation."—*Lords' Journ.*, v. x. p. 116.

The second wife of Edward earl of Worcester, was the lady Margaret O'Brien, daughter of Henry earl of Thomond; and circumstances lead to the conclusion, that some of the property of that family had also been sacrificed in the royal cause.

Henry, fifth earl of Thomond, died in 1639, without male issue, but leaving five daughters. By a deed of settlement some years before his death, the reversion of his estates devolved on his brother Sir Barnabas O'Brien, his successor in the earldom; subject to a trust for raising a portion of four thousand pounds each for his five daughters; and by his will, made the year of his decease, he bequeathed two thousand pounds to increase the portions of his younger daughters, Anne and Honora.

The petition of the ladies Anne and Elizabeth Somerset had been anticipated by the lady Honora O'Brien, who, on the 13th January, 1647, presented her humble petition; and on the same being read, it was reported, "that the Lords do think it reasonable that dame Honora O'Brien, one of the daughters of the late earl of Thomond, deceased, should receive relief from the estate of the person that did her wrong; and do recommend the petitioner to the House of Commons to take her petition into speedy consideration for relief; she being a lady of very great honor, and in great necessity."—*Comm. Journ.*, v. v., p. 430.

With this recommendation the House referred the matter to a standing Committee; and the petition of the ladies Anne and Elizabeth Somerset was referred to the same Committee "whereof Mr. Wheeler has the Chair; with an injunction to take care that the lady O'Brien be provided for in the first place; and that then they consider of some fitting provision for the petitioners; and report to the House."—*Ibid.* p. 504.

The lady O'Brien obtained an Order for "four pounds per week, to be charged on the earl of Worcester's estate: the Commissioners for Sequestrations or whomsoever else it may concern, to pay the same."—*Ibid.* p. 509; *Lords' Journ.*, v. x., p. 157.

The estate of the earl of Worcester, already diminished by voluntary sacrifices for the service of the king; by order of parliament the 21st March, 1645, had been charged with an annuity of two hundred pounds, in favor of the fanatic preacher, Hugh Peters: (*Comm. Journ.*, v. iv., p. 483): and on the 8th March, 1647, lands of the value of two thousand five hundred pounds per annum had been settled in perpetuity on lieutenant General Oliver Cromwell, and his heirs, "lately the estate of Henry late earl of Worcester, deceased, who was a papist recusant, and hath borne arms against the King, *Parliament and Kingdom* in the late unnatural war."—*Ibid.*, v. iv., pp. 418, 426; v. v., pp. 44, 142.

On Monday, 9th July, 1649, the humble petition of the ladies Anne and Elizabeth Somerset, was again before the House; and the prayer received the following solution:

"Whereas, according to an Order of the Committee of the Lords and Commons for Sequestrations, of the 17th March, 1646, the Committee of Monmouth, Brecknock, Glamorgan, Gloucester and Berks, have set out and assigned unto the petitioners a fifth part of their father's estate in those counties towards their respective maintenance. It is ordered by the Commons assembled in parliament, that the petitioners shall have and receive the profits of the said fifth part so allotted unto them from the time of their demand, according to the said Order of the Lords and Commons, until the House take other Order; and the Committees of the said Counties, are hereby authorized and required forthwith to pay the same or permit the petitioners to receive the same accordingly.—*Comm. Journ.*, v. vi., p. 256.

Page 56. n. and also p. 57. n. for Blomfield read Blomefield.

— 57. n. \*. Add the authority.—*Blomefield, Hist. Norf.*

— 61. n. †. August 10, 1643, the king arrived before Gloucester, and summoned it to surrender; when the following answer was returned: "We the inhabitants, magistrates, officers and soldiers, within this garrison of Gloucester, unto his Majesty's gracious message, return this humble answer: That we do keep this city, according to our oaths and allegiance, to and for the use of his majesty, and his royal posterity: and do accordingly conceive our selves wholly bound to obey the command of his majesty, signified by both Houses of Parliament: and are resolved, by God's help, to keep this city accordingly."—*Clarendon, Hist. Rebellion*, v. ii., p. 316.

Thus "under the new distinction of these times," writes the Parliamentary Historian, "the subjects of the same king, contended which party should testify their loyalty most, those that *fought for him and with him*, or those who professed to *defend the political person of the king* whilst they actually fought against his real one."—*Parl. Hist.*, v. xi., p. 418.

The logic of the times was not quite correct; though the distinction between the person of the king and his majesty as the executive of legal authority was not quite an anomaly: it was the difference between possibly despotic rule and constitutional government: but the argument is double-edged: and some years after the restoration, in 1675, the royalist party, fearing the recurrence of former accidents, proposed in parliament, to blunt its keenest cutting side by the following declaration of homage and fealty: "I do declare that it is not lawful to take arms against the king; and I do abhor that traitorous position of *taking arms by his authority against his person*, &c."—*Echard, Hist. Engl.*, v. iii., p. 379.

— 67. l. 1. demanding the probate, *dele* the.

— 71. n. The following passage of the Will of Thomas, earl of Arundel has been omitted: "My soul I do with all zeal and humility of

spirit, beseech Almighty God to receive, and being purified by the precious blood and passion of our blessed Saviour from my great and manifold sins, to vouchsafe it, out of His infinite mercy, a place to glorify Him for ever among the blessed."—*Harl. MS.*, 6272. *fo.* 27.

*Page 77. Official organ.*

The mace, although treated by Cromwell with so much contempt; was nevertheless an object of his possession; and by his own parliaments was used as the emblem of authority. Guibon Goddard, member for King's Lynn, in the parliament assembled September 4, 1654, observes: "The mace was ordered to be brought in by the Serjeant as a necessary concomitante:" And when the unruly assembly was dissolved, the mace was taken away by Commissary General Waley. "Nothing could be done in the absence of the mace."—"The mace cannot be borne out of the House without a vote for that purpose."—"The mace ordered to go down and call the members out of the hall."—*MS. Journal.*

— 86. *l.* 11. *Command the awe of Foreign nations.*

Such was the view of the severity of the example in the opinion of a contemporary. M. de Bordeaux, ambassador of France, writing to the Count de Brienne, observed "The execution was altogether politic."—*Thurloe, State Pap.*, v. ii., p. 447.

— 88. *n. l.* 4, *for* was, *read* were.

— 89. *l.* 21, *Salter's*, *read* *Salters'.*

— 93. *n. †*, *for* Cardinal of York, *read* Cardinal of Norfolk.

— 97. *l.* 9. *House of Antrim.* The peerage authorities are at variance; and the Heraldic compilation, *Egerton, MS.* 1075, describes the intermarriage to have been with Alexander Macdonald, grandson of the earl of Kildare.

— 98 *n.* The influence of the earl of Arundel in the family of Stafford had the same feudal origin that placed the Dacres in the power of his ancestor, Thomas duke of Norfolk; and in each case with the same result: the male heir died in youth, and the distaffs carried the inheritance in marriage to the Howards. In 1625 (Dec. 22, 1 Car. I.) the earl of Arundel had a grant of "the wardship of the body, and a lease of the lands of Henry lord Stafford, during the minority of the said ward; together with a fine of 500 marks imposed on the said lord Stafford, in the Court of Wards and Liveries, to the king's use, for the said lordships, wardship, and marriage."—*Rymer, Fæd.*, t. xviii. p. 248. *Collins, Peerage*, v. i., p. 138.

— 101. *l.* 26, and 102 *n.* reduce *Burnett* to one *t.*

— 103 *n.* *The earl of Surrey's sword.* It is questionable, after all, if it was not *the sword of the king of Scotland*, in place of the one that slew him. Walpole, describing a large painting of the earl of Arundel and his family, designed by Van Dyk, says: "The earl and countess are sitting under a state: before him are their children; one holds a shield (presented by the duke of Tuscany to the earl of Surrey at a tournament) and two others bring *the helmet and sword* of James IV. taken at the

victory of Flodden field, by the earl of Surrey, father of Thomas duke of Norfolk.—*Anecdotes of Painting in England*, v. ii., p. 132.

Page 121, n. l. 2; besides, add " to mark the end of the extract.

— 122, n. The Fee farm rents of the city of Norwich had been bought up by the corporation during the Commonwealth.—*Blomefield*.

— 133, n. l. 2, for brother read sister. The marriage of Margaret Howard is chronicled in the note book of a contemporary. "1656. Dec. 30, Tuesday. The lord Balgonie in Fyfe married ane English lady, sister to Mr. Howard, a gentleman in England neare the border. The marriage feast stood att hir brother's house in England, on this side of Newcastle. (the earl of Weyms and the earl of Rothés went up for the marriage). Hir tocher was 45,000 markes; hir jointure was 9,000 markes a yeare out of hir husband's estate, the lord Balgonie. His charges about the marriage and bringing her home to Balgonie was about 24,000 markes. She came to Balgonie about March, 1657."—*Diury of John Lamont of Newton*.

The newly married lady was accompanied to Scotland by her sister-in-law Anne, wife of her brother Charles Howard; described by Pepys "a very fine woman indeed, in her person;" and an occurrence of the following year, supposed to have had reference to state policy, is explained to have been the result of her journey on this occasion.

"1658, Jan. 3, being the Sabath," writes Lamont, "the earl of Rothés being at Edenburgh, he was taken by the Gouvernour, and carried to the castell of Edenburgh by a particular order sent donne by his Highness. About the same time the viscount of Howard was commanded to stay att Barwicke by his Highness also; for the report went that Howard was jealous of his lady, and therefore was coming down to Scotland to pistoll Rothés, because he had beene too familiar with his wife (as was supposed) when she came donne to this countrey with hir sister-in-law the lady Balgonie. This was said abroad to be the cause of both their restraints."—*Diary, ut supra*. It was by the intercession of Monk (which gave colour to the politics of the restraint) that about a year afterwards, Rothés obtained liberty to return home on bail.

— 133. *dele n.* § There is a discrepancy of a year in the authorities, —apparently in Browne's Diary.

— 134. l. 9. It has been insinuated that the noble commoner had made approaches to Miss Hamilton, "one of the chief ornaments of the Court,"—a young lady "worthy of the most ardent and sincere affection: nobody could boast a nobler birth; nothing was more charming than her person." "And has she ever," exclaimed Saint Evremont, "so much as vouchsafed to look at Henry Howard, who is upon the point of being the first duke in England, and who is already in actual possession of all the estates of the house of Norfolk? I confess that he is a clown; but what other lady in all England would not have dispensed with his stupidity, and his disagreeable person, to be the first duchess in the kingdom, with twenty five thousand a year."—*Mem. of Grammont*. Perhaps the lady

might have done better than bestow her hand on an adventurer—who required to be reminded of his engagement by two of her brothers and a rather determined mention of pistols. Miss Hamilton—unhappily for herself—married the Chevalier de Grammont.

Page 137. n. \* *Anne Hyde*. No, the mother of queens Mary and Anne, was not "scraggy." It was Arabella Churchill, whom the duke also honored with his attentions, to whom ungallantly the term was applied. Hamilton describes the daughter of the portly Chancellor, as "No perfect beauty, yet there were none at the Court of Holland who eclipsed her."—*Mem. of Grammont*. Sir John Reresby says, Anne Hyde was "a very handsome personage and a woman of fine wit."—*Mem.*

— 140. n. l. 8. Mr. Tiernay must be absolved from the imputation of inadvertence,—founded on a MS. note in Mr. Hargrave's copy of Grammont. Mr. Henry Howard, a man of musical taste, with a decided inclination for practical science; "a fine gentleman, who understands and speaks well" (at the meetings of the Royal Society) *Ante*, p. 129, n.; could hardly have been "a clown," or chargeable with "stupidity;" though he had seen too much of the adverse side of the world, to become a man of fashion, in the estimate of St. Evremond or the author of Grammont.

— 156. l. 22, *after* Norwich, *add* in November.

— 156. n. \* The flattering conformity to usage, has, it is said, by omission, been gratuitously reciprocated. Since this note was written, a clergyman of the Church of England, has found himself called upon, to horsewhip another, for, as he alleged, omitting "Our Lord Jesus Christ" from the Grace before meat, in the Hall of his College, out of compliment to a Jew guest at table.

— 173. n. † Mr. Felton, groom of the Bedchamber to Charles the Second, afterwards Sir Thomas Felton, of Playford, co. Suffolk, bart. married Elizabeth, daughter of James, third earl of Suffolk and his second wife, Barbara Villiers, sometime mistress of the Robes to the queen.

The matter of Sir John Reresby's complaint, appears not to have been without precedent. There is a case reported, in the Star Chamber, for "prosecuting a man for murder after a grant of his forfeited estate had been obtained, in the event of a conviction."—*Estecourt v. Carleton et al. Mich. T. 4 Car. I.—Rushworth, Hist. Coll. v. iii, App. p. 19.*

— 181. l. 16, *for* upon, *read* on.

— 193. n. \* *Titus Oates* was born at Oakham, in Rutland, son of Samuel Oates, a weaver by trade, and anabaptist teacher, against whose proceedings the clergy of Rutland, petitioned parliament (*Lords' Journ., v. ix. & x.*); afterwards parson of Hastings, in Sussex. (*Oldmixon, Hist., p. 612*). The register of St. John's College, Cambridge, where he was admitted a poor scholar, describes him "filius Sam<sup>l</sup>s Oates, clerici;"\* his parent at that time holding his preferment in Sussex.

\* Titus Oates, Rutland de Oakham, filius Sam<sup>l</sup>s Oates, clerici, anno nat<sup>l</sup>s 18. Literis institutus in Com. Sussex, admissus in Collegium Gonv. & Caii, Jun. 29, 1667. Idem

Abomination of the awful crimes against society that have given historical notoriety to his name, acted retrospectively on his earliest years; and "as a testimony of the truth," it has been recorded on contemporary authority, that Titus Oates was "a liar from the beginning."—*Baker's MS.* If falsehood was innate, "the Jesuits" may find regretful consolation in the fact, that they only gave slight culture to a natural propensity that worked to their own persecution; for it was one of the "liar's" declarations, that he became a romanist only to betray. The severity of judgment on a poverty stricken sizar, who ran in debt with his tailor, is somewhat softened by what follows; "Dr. T. W. his tutor," adds Baker, "does not charge him with much immorality, but says he was a great dunce; that he ran in debt, and being sent away for want of money, never took a degree at Cambridge." (*Ibid.*) Whether he ever graduated at an University, or like his Salamanca doctorship, it was an unauthorized assumption, has not been ascertained. It is agreed however, that somehow "he slipt into orders," and for a time officiated as curate to his father. At the age of two and twenty,—four years only from the date of his admission to College,—he obtained the small vicarage of Bobbing *juxta* Milton, in Kent, valued at sixty pounds a year. Hasted cites the date of induction: "Titus Oates, A.B. inducted, March 13, 1672." (*Hist. Kent*, v. ii., p. 640). The insalubrity of the locale, after a time, it is stated, rendered the appointment untenable; and he removed into Sussex "for better air," under the patronage of the Howards. Burnet relates his association with the priests in that noble family, and his inclination to be instructed in the popish religion "by one Hutchinson a jesuit," who afterwards came over to the Church of England—seemed to be a sincere devout man—once preached for the bishop,—and then returned to his old faith.—*Own Time*, v. ii., p. 146, 8vo.

Under such tuition little wonder that Oates also became "very unsettled in his ideas," and equally uncertain of his fortunes. At the age of twenty seven, in 1677, "abandoned, and destitute of common necessities," he fell into the acquaintance of a city divine, distinguished for anti-romish enthusiasm, Dr. Ezrael Tonge, rector of St. Michael, Wood Street, who, at the desire of Evelyn, translated the "Jesuits Morals" into English. From the character of the two men, it is more than probable the credulous fears of Tonge feasted on the aptitude of his versatile *protégé* for popish "discoveries." A rapid journey into Spain,—a few months at the College of St. Omer, and Oates was prepared. In August the following year, they,

admissus in Coll. Jo. subfizator pro magistro Collegii, tutore Mr. Watson. Feb. 2, 1668.—*Reg. Coll. Jo.*—*Add. MS.* 5860, fo. 288. *B. M. Lib.*

Dr. Grey cites the register of Corpus Christi College for the parent's academical character: "Sam<sup>l</sup> Oates, Coll. Corp. Chr<sup>i</sup> admissus in matriculam Acad. Cant. Dec. 14, 1627: A.B. 1630: A.M. 1634." *Regist.*—*Ibid.* But this extract probably referred to "Mr. Samuel Oates, Master of Arts, Minister of the Worde in Croydon," who died vicar of that parish, A<sup>o</sup> 1645, aged 30 years. The inscription to his memory on a brass plate within the church, will be found in *Steinman's Hist. Croydon*, p. 167.

in conjunction, "brought out the plot." Evelyn, an intimate of the enthusiastic city divine, found easy access to the confidence of Oates, whom he describes "a bold man and furiously indiscreet;" but adds, that "every one believed what he said." (*Diary*, v. ii., p. 126); and he kept up his popularity by expositions from his accomplice's pulpit. Luttrell writes: "1678-9. Jan. Mr. Oates preached at Wood Street church, the latter end of this month, and there was great thronging." (*Diary*, v. i., p. 7). Roger North describes his person as remarkable. "He was a low man, of an ill cut," writes the historical Commentator, "and his visage and features were most peculiar. His mouth was the centre of his face; and a compass there would sweep his nose, forehead, and chin, within the perimeter."—*Examen*, §c., 225. The drawling provincial accent in which he spoke, is illustrated in his audacious charge before the Council: "*Aye, Taitus Oates accause Catherine, quean of England, of haigh treason.*" (*Ibid.*, p. 186). He was committed for his presumption; and as his credit failed at Court, he still kept up his popularity by the vehemence of his harangues from the pulpit. "1681. Sunday, March 24. Dr. Oates preached before the Company of Weavers, (from Heb. i. 2); a great auditory; after which the Doctor dined at Weavers' Hall." (*Luttrell, Diary*, v. i., p. 112). When dismissed his lodgings at Whitehall, prohibited by order of Council from coming within the precincts of the Court; and his allowance from the Exchequer quite taken away, he took lodgings in the city (*Ibid.*, pp. 119, 125); and afterwards "a house in Broad-street, where he now resides." (*Ib.*, p. 126).

His short career of prosperous infamy was at an end: his audacity had been "furiously indiscreet;" and he felt the weight of the persecution he had inflicted. The stoppage of his weekly supply, produced pecuniary embarrassment, and he was arrested for debt (*Lutt. Diary*, v. i., p. 279). The prosecution of the duke of York sent him to prison on heavy damages "for directly calling the same duke *traitor*, and using other scandalous words that naturally flowed from his mouth." In February, 1684-5, he was brought up from the King's Bench prison to plead to an indictment for perjury. (*Lutt. Diary*, v. i., p. 328). His sentence has been styled most vindictive; and excited some compassion. Several years later, Luttrell writes, "1688, August 11. Titus Oates stood in the pillory at Charing-cross according to annual custom" (*Diary*, v. i., p. 454); and the same year, September 3, he again stood in the pillory "over against the Royal Exchange, according to annual custom."—*Ib.*, p. 459. Indeed his sentence required that he do "stand in and upon the pillory five times every year of his life."

The revolution that immediately followed, gave him hopes; and the pages of Luttrell contain frequent notices of his appeals for relief. In January, 1688-9, he petitioned the reformed parliament for a reversal of the judgment against him. (*Diary*, v. i., pp. 498, 509, 537). The judges gave their unanimous opinion that the sentence pronounced on him had

been extravagant; but a majority of 12 in parliament, affirmed the judgment. (*Ib.*, pp. 540, 564). At the request of the House of Lords however, the king granted a pardon (*Ib.*, 545). The duke of Bolton addressed the House in his favor; and sent fifty pounds for his relief. (*Ib.*, 466). An address from the Commons to the king procured the re-grant of his pension of forty pounds a month; which, after a time appears to have been reduced. (*Ibid.*, v. iii., p. 94). In a petition to the king several years later, Oates stated that "he enjoyed his said pension of 40<sup>li</sup> p<sup>r</sup> month from Septemb<sup>r</sup> 1689 to Lady Day 1692; when under pretence that the substedys granted for carrying on the war fell short of his majesty's expectation, the same was retrenched at the instigation of Sr Edward *Saymer*;" and on some pretence or other was wholly stopped for want of any order at the treasury to pay it; and the contributions "of several noblemen and gentlemen, citizens and others to the extent of 400<sup>li</sup> p<sup>r</sup> Ann." which had maintained him in the time of his persecution, having been withdrawn on the faith of the restoration of his government pension, the discoverer of the popish plot found himself "altogether destitute and unprovided for."

What were his resources? The poet tells, that

Prosperity's the very bond of love;  
Whose fresh complexion and whose heart together  
Affliction alters.

Ingrate and heartless! Gentle pity, next o'kin to love, blushes at the inconstant thought, and fills the unstable void. The Moor of Venice told his tale of moving accidents, and in a pliant hour won his bride. By capricious woman the most disfavored of nature have been pronounced the most fascinating, and become the most favored of men; and who shall say, from Roger North's descriptive sketch of Titus Oates, when four and forty summers had mellowed or sharpened the uncouth outlines of his person,—with his scourgings, sufferings, contumelies and wrongs to beguile her of her tears, that some enchanted fair might not exclaim—

'Twas pitiful, 'twas wondrous pitiful;

and—wish that heaven had made her such a man.

"1693. August 19. On Thursday last," writes Luttrell, "Dr. Oates was married to one Mrs. Wells, a young gentlewoman in the city, with two thousand pounds." (*Diary*, v. iii., p. 165). The "*Salamanca Wedding*;" or a true account of the swearing Doctor's marriage with a muggletonian widow in Bread-street," describes the lady "Mrs. Margaret W." A title deed of some property in the parish of St. Andrew by the Wardrobe, Doctors' Commons, dated August 25, 1698,\* showed that she was Rebekah, daughter of John Weld. For the "Letter to a gentleman in the Country," ridiculing his marriage, Oates prosecuted the author, Thomas Browne, successfully at law. (*Luttrell, Diary*, v. iii., pp. 173, 179); but with the odium that hung around him he was repeatedly involved in disputes not

\* Sold at an auction of MS. by Messrs. Puttick and Simpson, May 3, 1859.

always to his advantage; and in 1697, when he renewed his appeal to the king by petition for the restoration of his pension, "I have contracted several debts," he said, "for which I am every day threatened to be cast into prison, and I there must perish unless your Ma<sup>tie</sup> of your princely goodness do order mee the sum of 500<sup>li</sup> which will in a great measure deliver mee and save my poor self and family from ruin and destruction. I have not clothes worthy to appear before your Ma<sup>tie</sup>, and therefore I humbly present this memoriall and lay it at your royall feet." In a second petition he complained that he had run in debt 1600<sup>li</sup> upon the strength of his majesty's royal promise, of which he had received 650<sup>li</sup> and paid the same to his creditors in part, and for the rest was in every day fear to be cast into prison. "That yo<sup>r</sup> Pet<sup>r</sup> made his application to yo<sup>r</sup> Ma<sup>ty</sup> in the years 1693, 4, 5, 6, 7, but without success; and was in a miserable condition, they being hard winters, and had a poor aged mother to maintain, by w<sup>ch</sup> means he is run more in debt, and must inevitably perish unless yo<sup>r</sup> Ma<sup>ty</sup> shall thinke fit to fulfill yo<sup>r</sup> Royall word to yo<sup>r</sup> Pet<sup>r</sup>, and pay his debts in lieu of these six years being kept out of his pension . . . . That yo<sup>r</sup> Pet<sup>r</sup> has been arrested for debt, and was taken in execution, and unless all be paid and speedily p<sup>r</sup>vented, his wife and family will be turn'd out of doores, and yo<sup>r</sup> Pet<sup>r</sup> perish in prison, which will be very hard after five years unjust imprisonment, and such barbarous usage by the malice of y<sup>e</sup> Popish party."

The right chord had been struck; on the petition being read immediate relief of fifty pounds was granted. On the 16th September, Luttrell had jotted down. "Dr. Oates' wife yesterday kist the queen's hand," (*Diary*, v. iii., p. 187), and a minute of Council, July 15, 1698, records that "Dr. Oates being called in, my lords told him that pursuant to the king's command he is to have 500<sup>li</sup> to pay his debts, and 300<sup>li</sup> p<sup>r</sup> Ann. from Midsummer last, during his and his wife's life, out of the revenues of the Post Office. Luttrell says it was granted for 99 years or the longest of the two lives.—*Diary*, v. iv., p. 408. The two petitions, from the State Paper Office, were communicated to *Notes and Queries*, in Oct. 1856.

Among the high crimes and misdemeanours of which Titus Oates was undoubtedly guilty, one speck of honorable compunction should not pass unnoticed. If his demands on Charles Howard of Depden were extortionate, and his threat of vengeance shameless (*vide ante*, p. 369); with or without provocation he spared the duke: for when his grace made himself busy to discover the body of Sir Edmundsbury Godfrey, Roger North relates, that "had not Mr. Titus Oates once been his chaplain (which was his protection) he had certainly been included as a conspirator in the alleged treasonable designs."—*Examen*, &c., p. 202.

Page 184. *Sir Edmundsbury Godfrey*.

If Burnet be correct, the manner of Godfrey's death came to his knowledge before the discovery of the body disclosed the fact. "On Thursday," writes the bishop, "one came into a bookseller's shop after

dinner, and said he was found thrust through with a sword. That was presently brought news to me; but the reporter was not known. That night late his body was found in a ditch, about a mile out of the lane near St. Pancras church. His sword was thrust through him."—*Hist. Own Time*, v. ii., p. 154, 8vo. An account of the discovery of the body and the Inquest, was published in "A true and perfect Narrative." 1678.—See *Malcolm, Lond. Rediviv.*, v. iv., p. 198.

Page 189. n. § for Cropedy, read Cropredy.

— 192. n. l. 3. for seignory, read scignorage.

— 201. l. 4. after not, *dele* the comma.

— 208. l. 15. after Rome, for † substitute §: and the reference at l.

22 should be.—*Wood, Fasti*, &c. which has been miscarried to p. 209.

— 211. n. l. 7. after conditionally, *dele* the comma.

— 218. l. 16. after issue, *dele* the comma.

— 220. n. § for Anne Fitzroy, read Anne Palmer, as stated p. 217, n. \*

— 234. l. 19. for ascetism, read asceticism.

— 236. n. § "Mr. Con, a papist that lived in the earl of Peterborough's family" was implicated in conveying Mr. George Mordaunt from Eton School to France, "under pretence of making him a page to the queen," 1689. 1 W. & M. A Bill was before parliament "against sending children abroad to be educated in the popish religion." Mr. Welborne informed the Committee that the young gentleman had been conveyed to France by the duchess of Norfolk, daughter of the earl of Peterborough.—*Comm. Journ.*, v. x., p. 207.

— 246. l. 11. for confirmed read affirmed.

— 251. l. 17. after 26th, *dele* the comma.

— 277. l. 2. for declarations, read declaration.

— 278. n. l. 14. read "Kenneth Mackenzie, earl of Seaforth, whose son, William earl of Seaforth, with 3000 followers &c."

— 283. n. l. 2. read "and beyond local interest, the tradition of his house, and the influence of his name, the ruin &c."

— 248. l. 6. for Sir Thomas, read Mr. Thomas.

— 302. l. 22. for you, read your.

— 313. n. ‡ read Sir Richard Kirkham.

— 322. l. 3. Gilpin. Add the reference.—*Tour in Scotland*, v. i., p. 18.

— 328. n. l. 15. for reassure, read reassume.

— 345. n. Secretary Craggs.

In his protestant determination "to put the thing in execution" against the contumacious Howard, it is not quite clear whether Craggs be not chargeable with a sort of retrospective ingratitude to his salt: for Mr. Peter Cunningham saith, the father of the Secretary of State "was footman to Mary, duchess of Norfolk, and wore her livery."—*Handbook of London*, by Peter Cunningham, F. S. A. The duchess did not live to witness the elevation or the power of persecution she had fostered: she had been dead

about fourteen years. Whether Craggs, the footman, survived has not been ascertained; but Mr. Cunningham, who appears to have been in the secrets of the family, and represents him to have been quite a confidential person, adds, "that he managed all her intrigues." All? Was she not then faithful even to Germain—the original of her troubles—"with whom it was supposed she had cohabited most part of the time of her separation from the duke" (*Sandf., Geneal. Hist.*, 1707),—and whom she married? Poor lady! She had fallen low indeed, when a man wearing her livery "managed" her amours.

Page 368. n. † for Herald's, read Herald's'.

— 371. n. l. 4. for had been, read was.

— 372. n. † His death is recorded with the following description: "Charles Howard, esq., of Arundel Buildings."—*Le Neve's Obituary*.

— 374. n. \*\* l. 1. for occur, read occurs.

— 385. n. † 1682, add December.

— 387. n. \*\* A practical illustration occurs in *Brooke's Annals of Derby*. "1687. Leonard Sadd put out, January 11th, and Ralph Brough put in by king James the Second."—*Add. MS.* 6705, fo. 101. *B. M. Lib.*

— 392. n. || *Sir John Fenwick*.

"Saturday, 14 May. Last night," writes Luttrell, "two messengers with a file of musqueteers went to Sir John Fenwick's lodgings to search for him, but he got away, leaving his breeches, with some guineas in them, behind him.—*Diary*, v., ii., p. 450.

— 423. n. † "*Henry Howard, esq., of Greystoke*," appears to have been a grandson of Mr. Henry Howard of Sheffield; son of Henry Thomas Howard, who took the surname of Molyneux, and by royal licence the name and style of the lord Henry Molyneux Howard (*ante*, p. 493). At the period of the *Magna Carta* Festival at Arundel, the representative of the page of the baron Fitzwalter was thirteen years old. The manor and castle of Greystoke fell to him by the Will of Charles duke of Norfolk in 1815. By anticipating that description, Mr. Tiernay had somewhat embarrassed his identity.

— 428. l. 10, for St. James's, read St. James.

— 432. l. 11, and l. 30. for Herald's, read Herald's'.

— 438. l. 22, read impostor.

— 444. l. 30, dele Sir. In the same page the references are misplaced, and the following omitted. † Appeal to the Lord Chancellor, July 30, 1805.—*Appendix*.

— 457. n. † read 10th July; and n. † read Aug. 20.

— 486. l. 7. for English history, read English liberty.

— 487. l. 8. Although correctly extracted from the authority quoted, for upon, read on.

— 503. l. 21. for or, read and.

— 505. n. \* If the heir of the House of Suffolk, by inactive loyalty and silent submission to passing events contrived to edge his way, not

without difficulty and suspicion, through the troublous times of the Commonwealth and Protectorate, his younger brethen were forced into action by circumstances, or by their occasions; and the daughters of the Theophilus, earl of Suffolk, were married to men far from passive observers of the time.

Thomas Howard, second son, younger brother of James earl of Suffolk, commanded a regiment of horse in the service of Charles the First, and was present at the battle of Naseby, in 1645; after when, by his own statement, he retired to Holland, and had a troop given him by Henry Frederick, prince of Orange; and subsequently the appointment of Master of the Horse to the Princess of Orange, his daughter in law, princess royal of England. (*Thurloe, State Papers, v. v., p. 160*). In this capacity he also made himself useful to her brother, the expatriated king, and the cause of the royalists. Indeed he appears to have been in England at the final discomfiture at Worcester in 1651; and some years later underwent examination, when discovered in London under circumstances of suspicion to the government of the Protector (*Ibid, p. 169*). Some further proceedings of Col. Howard in the same direction, were communicated to Thurloe by Sir George Downing, English resident at the Hague. In a letter, dated August 29, '58, n. s., Dowling relates how he had possessed himself of some "original letters and papers belonging to Thomas Howard, brother of the earl of Suffolk, copies whereof I now send to you . . . This is the same Tom Howard," he adds, "that was in the town; and Charles Stuart's letters to him refer to that journey . . .

"If it should be known that I have given you this information, he would have me killed."—*Ibid, v. vii., p. 347*.

In other letters, Sir George Dowling chuckles over the discovery of royalist secrets, betrayed to him by Howard. In one of them he writes to Thurloe: "I have perfectly gained Tom Howard of Suffolk, whose papers I sent (which yet he hath no knowledge of at all), and he assured me that it was a journey of pleasure; but withall he tells me one Her Germin is certainly gone into France upon most notable business."—*Ibid., pp. 428, 457*. It is very doubtful however, if it was not a match of generalship in which the soldier turned the flank of the diplomatist; as it is certain that Tom Howard of Suffolk maintained his loyalty; and when the cold moon shed a doubtful glimmer on the partizans of the Protectorate, he took occasion to intercede with the king for the resident at the Hague, then desirous of accommodating himself to coming events.—*Carte's Coll. of Lett., v. ii., p. 319*. Sir George Downing was allied to the family of Howard by marriage with Frances, one of the sisters of Charles Howard, afterwards earl of Carlisle.

Colonel Thomas Howard married at the Court of the Hague, the lady Walburga Vandevall Kirkhoven, one of the daughters of John Vandevall, lord of Helmflete and Kirkhoven, Chief Forester of Holland and West Friesland; by whom he had a son James Howard, who married the lady

Charlotte Jemima Boyle, and left a daughter, Walburga Howard, legatee of the wealth of her grandmother, whose name she bore. Neither Col. Howard nor his son James survived to take the earldom of Suffolk; and the Will of the widow lady Walburga Kirkhoven Howard, attested at the Hague, in 1683, translated from the low Dutch, was proved in the Prerogative Court of Canterbury, in 1690.

Capt. George Howard, third son of Theophilus earl of Suffolk, appears to have followed his brother into Holland, where in 1646, he held a military command (*Lords' Journ.*, v. iv., p. 598). But in the following year he volunteered for service in Ireland, where the lord Broghill, who had married his sister Margaret, was pursuing a career of fortune; "and the Lords think, in respect of his good services, that he should have a regiment of Horse—as many of the regiment he served in, as he can get, to go with him." The pay of a Captain was 10s. per day, with 4s. for two horses.—*Ibid.*, v. v., p. 140.

Capt. Howard, less fortunate than his politic relative, returned from the wars in very ill case. In 1649, his petition to parliament was referred to the Committee of pensioners (*Ibid.*, v. vi., p. 302); and in the following year the case of Capt. Howard and his wife, was again referred to the Committee formerly appointed touching necessitous persons, and widows who had lost their husbands, under the lord General in Ireland. (*Ibid.*, p. 513). In 1688, on the decease of his brother James, he became earl of Suffolk, which he enjoyed only three years; and was succeeded by his brother, Henry Howard, whose heirs continued the line.

Of the daughters; the lady Anne Howard was wife of Thomas Walsingham, esq., son of Sir Thomas Walsingham, of Seadbury, in Kent, knt., member of the parliament, who adopted the policy of the Commonwealth.—*Comm. Journ.*, v. ii., p. 326; v. iii., p. 184.

The lady Elizabeth was married to Algernon Percy, earl of Northumberland, lord High Admiral of England; whose character, in the conflict between king and parliament, has been drawn by the pen of lord Clarendon.—*Hist. Rebell.*, v. ii., p. 205.

The lady Frances was wife of Sir Edward Villiers, younger brother of the viscount Grandison, lieutenant Colonel in the service of Charles the First, and wounded at Newbury in 1643. After the restoration he was appointed marshal of the Household and governor of Tinmouth Castle; and the lady Frances Villiers, in after years, became governess of the princesses Mary and Anne, queens of England. Their son and heir, Edward, was created baron Villiers, and ultimately earl of Jersey.

The lady Katherine, eldest daughter of Theophilus earl of Suffolk, "a woman of very great wit" writes lord Clarendon, "much trusted, and conversant with those intrigues that could be best managed and carried on by ladies" (*Hist. Rebell.*, v. iii., p. 290), after the death of her first husband, George lord d'Aubigney, at Edgehill, was implicated in the conveyance from Oxford to London, of a little box, to be called for, which

happened to contain his majesty's commission under his great Seal, as the opposite party expressed it, "by force of arms to destroy, kill and slay the forces raised by the parliament, and their adherents, as traitors and rebels" (*Ibid.*, v. ii., p. 254), for which she endured a long imprisonment; and would have been put to death, if she had not succeeded in making her escape to Oxford (*Ib.*, v. iii., 247). The lady d'Aubigny afterwards married John Livingston, earl of Newburgh; and Clarendon describes her continuing interest in the cause of the exiled king until death terminated her exertions, at the Hague; whither she had found it necessary to retire, with the earl her husband; "Cromwell, after the murder of the late king, every day making discoveries of correspondencies which had been between the king and them,"—*Ib.*, v. iii., p. 289.

Page 506. l. 2. for five, read three.

— 507. l. ult. Fosse should probably be read *passee*. The earl of Northampton finding the rebels who came over the pass (below the slate mill) to follow him, presently faced about &c."—*Baker, Chron.*, p. 534. The pass was a ford of the little river Cherwell, which flowed between the armies. The ford, about seventy yards below the mill, is still the bridle way from Boreham to Williamscott and Chacombe. In the action the lord Wilmot was wounded, twice made prisoner, and rescued the second time by Mr. Robert Howard, who was knighted for the service that day.—*Ibid*; *Beesley, Hist. Banbury*, p. 363.

— 512. n. † William lord Howard of Escrick.

Lord Clarendon, after reciting that extraordinary address to the king from the Anabaptists, sent to him at Bruges, and the long letter that accompanied it,\* from "a young gentleman of good extraction and great parts;"—"intending," says the writer, "as soon as I hear how your majesty resents this overture to wait upon your majesty in person, and then to communicate that *visâ voce*, which I cannot bring within the narrow compass of an address of this nature." The king returned the general answer, that he would be willing to confer with some person of that party trusted by the rest, if they would come over to him; upon which that young gentleman passed over to Bruges, and remained some days there concealed.—*Hist. Rebell.*, v. iii., p. 638.

"He was a person," writes Clarendon, "of very extraordinary parts, sharpness of wit, readiness and volubility of tongue, but an anabaptist. He had been bred in the University of Cambridge, and afterwards in the Inns of Court; but being too young to have known the religion, or the government of the precedent time, and his father having been engaged

\* *Hist. Rebellion*, v. iii., p. 625. The address is signed, "W. Howard, Ralph Jennings, John Wildman" and others, "on behalf of themselves and many thousand more." There is in *Thurloe*, a letter on Irish affairs, from Ralph Jennings, dated, "Dublin, 5th April, between 12 at night and one i' the morning, 1654," addressed "To my most honored friend Mr. William Howard, at his lodgings, in King Street, in Westminster, at a Saddler's shopp, next doore below the Bell Inn, London."—*State Papers*, v. ii., p. 213.

from the beginning against the king, he had sucked in the opinions that were most prevalent, and had been a soldier in Cromwell's Life Guard of Horse, when he was thought to be most resolved to establish a republic. But when that mask was pulled off, he detested him with that rage, that he was of the combination of those who resolved to destroy him by what way soever; and was very intimate with Syndercome."\*

The political course adopted by Edward lord Howard of Escrick had thrown his family among the Sectaries; the teaching of the Downings, connected with the Howards by marriage, perhaps acted on the free thoughts of the volatile young lawyer, and gave tincture to his early enthusiasm. In the time of the Commonwealth he was rebaptized, and his natural qualities, eminently calculated for success as a teacher from the tub, raised him to power among those of his adopted creed.

"He had a very great confidence of the strength and power of the Anabaptist party," continues Clarendon, "though he confessed that their demands were extravagant, and such as the king could not grant; indeed, one who had much acquaintance and conversation with him, reported, "that, though an anabaptist, he made himself merry with the extravagancy and madness of his companions." (*Hist. Rebell.*, v. iii., p. 634).

The extravagance of his party, therefore, may be estimated by his own moderation; which appears to have been accepted in aid by the king; and the young gentleman, adds the historian, "returned into England very well satisfied; and did afterwards correspond very faithfully with his professions; but left the king without any hope of other benefit from that party, than by their encreasing the faction and animosity against Cromwell: for it was manifest they expected a good sum of present money from the king; which could not be in his power to supply."—*Ibid.*, p. 638.

The expectation indeed was clearly expressed; for the overture made to the king by the "young gentleman of good extraction and great parts" was "the advance of 2,000 pound, as well for the answering the expectations of those whom I have already engaged, as for the defraying of several necessary expenses, which do and will every day inevitably come upon us, in the prosecution of our design." (*Ibid.*, p. 637.) And the design may be understood from a subsequent letter announcing the death of the Protector, when the same writer observed: "it hath pleased God, out of his infinite goodness, to do that which *he would not allow any man the honor of doing.*" (*Clarendon's State Papers*, v. iii., p. 407).

In addition to Clarendon's discriminating sketch, a few broad outlines of the early history of William lord Howard of Escrick, are all that the present occasion need supply. A correspondent of the Protector,

\* Miles Syndercome, one of Cromwell's guard, sentenced to die for plotting the death of the Protector, was found dead in his bed in the Tower, the morning appointed for his execution; and was buried beneath the gallows, on Tower Hill, staked, as a *felon de se*, February, 1656-7.

"fayling of his expectation of being admitted to a personall attendance upon his highness, thought himselfe obliged to leave noe lawfull meanes unattempted in the discharge of soe incumbent a duty towards his God, his country, his highness and himselfe;" and in discharge of these weighty obligations, made the following communication by letter, dated 8th September, 1656:

"The matter I had to communicate was thus: Mr. William Howard, late of your Highness' Life Guarde, and as I am informed, a greate preacher of the Anabaptist congregation, and a seeminge great stickler for theire interest, keepeth his foreign correspondencie, and hath his letters conveyed to him in a case, directed to one of my acquaintance, that hath bine of the king's party; neither are his letters inclosed directed by his own name, but by the name of John Fisher. If your Highness will but please to commaund my attendance, I shall give your Highnesse further satisfaction concerneinge the circumstance; how I came to the knowledge of this; and what use may be made of it for the continuall interception of his letters, the which, out of all doubt, would produce much the discovery of much hypocrisy and juggling . . . . .

The writer further offers the services of an acquaintance at Bruxells to be useful to his Highness by his weekly correspondencie: humbly desires directions for his attendance by "this gentleman;" and withall to conceale both his name and "this paper" from the knowledge of all persons whatsoever . . . . ."—*Thurloe, State Papers, v. v., p. 393.*

Whether his highness neglected or accepted the promised discovery, there is the authority of "Mr. Fisher" himself, that "the old tyrant boasted he had been acquainted with all his motions and actions this year;" and the *State Papers of Thurloe*, contain an intercepted letter of Sir Edward Hyde, of mysterious import, dated, "Cullen, January 25, 1656, n. s.," addressed "My dear little John;" and signed "John Richards." It has the following indorsement, apparently by the intercepting Secretary: "For little John, in a letter to mrs. Simburbe, which came under cover to mr. Anthony Hinton, apothecary, in the Old Baily," (*Thurloe, v. iv., p. 416.*\*)

The vigilance directed to the secret correspondence, also extended to his personal conduct. In due season "Mr. Fisher" found himself prisoner in the garrison of St. James; and the innocency of his ways he made apparent in the following declaration:

"William Howard, esq., saith, that about three weeks since he was taken, with about 40 more at the Comb-makers' ordinary, and brought to St. James's, where he was, by the mistake of the soldier who was commanded by the Marshal to secure him, about two days after his imprisonment, set at liberty. But being afterwards upon discovery of the error strictly enquired after, and searched for in the places of his usual residences, he thought it better to withdraw himself for awhile then by

\* The Index to *Thurloe's State Papers*, evidently in error, refers this letter to Charles Howard.

remaining here to incur the inconvenience of another imprisonment, which being condemned to, he had reason to fear : and in order thereunto he did make an endeavour to go beyond sea to reside at the Hague ; and this, by the advantage of a pass, which he was assured by Mr. Brown (whom he calls cousin, and does not own to be his brother)\* to be granted by major William Cromwell. But when he came to Gravesend, and finding that the pass would not be allowed, he made a retreat for that time to London, where he took lodgings at one Mr. Halsey's house, on Peter's hill, and there continued a fortnight : at which time receiving intimation that ships bound for Flushing were falling down, he hastened after them : and to the intent that he might pass undiscovered, conveyed himself in a wherry-boat to Holehaven, in expectation to have furnished himself there with a conveyancy for transportation. He further saith, that he knoweth not at all of any plots or other contrivance whatsoever prejudiciall to his Highness or the present government, nor had he any other design in his going over sea only the securing himself, and the preservation of his quiet, till a better understanding be begot ; as by a letter framed to Col. Goffe may be seen. He moreover saith, that the lady that accompanied him and his brother down to Gravesend the first time, is called the lady Dorothy

\* The information of "Mr. Brown," was as follows : "Cecil Howard, esq., saith, that he is younger brother of William Howard, esq., who has had for some time an intention to travel ; and meeting with this opportunity of his brother going to Holland, intended to accompany him, and reside with him in those parts. In order whereunto, meeting with one Mr. Symonds, a gentleman whom he had been formerly acquainted with beyond sea, (but knows nothing more of him) the said Mr. Symonds promised to procure him a pass, which he accordingly delivered to him about three days after. But the said Mr. Howard, saith, that he knows not either who wrote the said pass, or who subscribed it, but supposed it was done by major Cromwell. He saith moreover, that he knoweth not at all of any design on foot or acting to the prejudice of his highness or the present government. And lastly that he knoweth not, nor hath any acquaintance with the lady that accompanied him and his brother down to Gravesend. And this is all that the said Mr. Cecil Howard saith. In witness whereof, he hath subscribed this present, 18th January, 1657 $\frac{1}{2}$ ."

"CECIL HOWARD."

—*Thurloe, State Papers*, v. vi., p. 750.

In a letter of intelligence in cypher, dated, Bruges, 14th Oct. n. s. 1657, Col. Marshall wrote to Thurloe. "You will have by the next shipping from Flushing, Sir Cecil Howard, who is sent about business from the king . . . ."—*Ibid*, p. 549.

And another letter from the same, dated Bruges, 3 Feb. n. s. 1658, conveyed the intelligence : "Yesterday came one Henry Thomas who dwells in Flushing, with a packet from England to Charles Stuart ; Sir Cecil Howard, and the other two are in London yet . . . ."—*Ibid*, p. 756. An anonymous letter addressed to "The right hon. the lord Henry Cromwell, Whitehall," dated, Laden, the 12th June, 1654, conveyed the news "that five persons had engaged themselves to the king to be the death of my lord your father : I came to know two of their names," adds the writer, "Sir Cecil Howard and young Morle, whose uncle is chaplain to the queen of Bohemia."

Addressing Secretary Thurloe, from Chippenham, June 18, 1654, with the anonymous enclosure, "I am altogether a stranger" writes Henry Cromwell, "to the name that writ the letter, and alsoe of the persons therein mentioned, except Sir Cecil Howard, whose wente with the king of Scottes from Worcester ; and if I be not mistaken, is some of my lord Edward Howard.—*Ibid*, v. ii., p. 381.

Erskine, sister of the earl of Bohun. And this is all that the above said William Howard saith. In witness whereof he hath subscribed this present, 18th January, 1653. "W. HOWARD."

—*Thurloe, State Pap., v. vi., p. 749.*

From his restraint in the garrison of St. James, "Mr. Fisher" found opportunity to pen a long letter to the lord Chancellor Hyde :

"You cannot expect," he writes, "a large and particular account of things from a p'son under restraint, yet as a testimony y<sup>t</sup> I still retain a sense of the duty I owe to His Majesty and your lordship, I have made a shift to steal an opportunity for this short correspondence on the concealment of our old character. To this I am the more forward as being desirous to be an early, tho' I despair of being the first messenger of these happy tidings which have put a countenance of victory already upon all England, and will I doubt not be as welcome to you as 'tis believed it will be advantageous unto your affairs. Yesterday it pleased God, out of his infinite goodness to do that which he would not allow any man the honor of doing, putting an end to the life of him under the weight of whose tyranny these distressed kingdoms have groaned many years. In the evening his eldest son was declared his successor, and this whole day has been spent in the pageantry of such solemnities as the occasion required. All men's hearts (almost quite dead before) are of a sudden wonderfully revived to an expectation of some great change, and good men are the more encouraged to hope that effects of so altogether an unexpected providence will be of much good to the kingdom, as observing that God himself seems to have undertaken the work, having thus seasonably removed the great obstruction of our happiness by his own hand. Oh! for God's sake, my lord, as you tender the happiness of that good king, and the welfare of these bleeding kingdoms, let not delays loose the benefit of such an happy juncture, nor suffer vain hopes and confidences in false friends any longer to frustrate your designs and delude your councils . . . . .

"Since the tyrant's death, I am freed from my fears which before were upon me: he did express (as I am informed) very much rancour against me, and I do verily believe that if he had lived he would have been wanting in no point of cruelty towards me: he had signed a warrant for my commitment to the tower six weeks since, but it has pleased God to hinder the execution of it; first by the death of his daughter, afterwards by his own; and since by the distraction of affairs; hence it comes to pass that I am as yet in this place, but not without every day's fear of being sent to the tower. I have never yet been examined, but am told they positively conclude me to have had correspondence with you, and to have been divers times in Flanders. I am also told that the old tyrant boasted that he had been acquainted with all my motions and actions above this year, and that he had his information from one that was my chief confidant. This might justly give me occasion to suspect Wildman.....

"Betwixt these two millstones I am grinded to powder. I see I am not to expect my liberty, till force shall free me, for every one does tell me that Tharloë is not to be inclined to any favour without a great ransom, and that nothing less than £523 is to be named to him: it is altogether impossible for me to provide such a sum without your assistance, and truly, my lord, I cannot value myself at so high a rate, as to think myself so much deserving your care, especially considering your condition, and the charges I have been to you already . . . . . Let me hear from you, and if you can speak comfortably, comfort a poor prisoner, who does earnestly pray for you, and is your's, &c.—*Clarend., State Pap., v. iii., p. 407.*

In the depth of his despair, Mr. William Howard addressed the following appeal to "young Cromwell:"

"To His Highness the Lord Protector of England, Scotland and Ireland, &c. &c. and his right hon<sup>ble</sup> Councill.

"The humble peti<sup>on</sup> of William Howard, prisoner. Sheweth. That y<sup>r</sup> Pet<sup>r</sup> being not charged nor chargeable, either by his own conscience or by y<sup>e</sup> accusa<sup>on</sup> of any p<sup>son</sup> with the guilt of any crime ag<sup>t</sup> his mo: serene highnes or ag<sup>t</sup> y<sup>e</sup> mo: happily est: Gov<sup>t</sup> of these nations by providence committed to his charge, has beene deteyned a close prisoner in the Garrison of Jameses ever since the 13th day of July last. By wh: severe & close restraint, together with the incommodious enterテインment of this place, he is at length reduced to that languishing state of body, that unlesse relieved by y<sup>r</sup> highneses compassionate sense of his miserable condition, he must in a short time perish. As by the Attesta<sup>on</sup> of his Phisitian has beene formerly represented to his highnes.

"Hee does therefore most humbly pray, That (forasmuch as it is not in his heart to speake, Act or designe anything to the disturbance of the peace; but to carry himselfe with that sobriety and obedience, as by the duty of a subjecte hee stands obliged towards the lawful Supream Magistrate), Your highnes would be gratusly pleased, as well in considera<sup>on</sup> of yo<sup>r</sup> pet<sup>r</sup>s Innocency, as alsoe in confissera<sup>on</sup> of his present weaknes & infirmities, either to restore him to the enjoyment of his Liberty upon good and sufficient Security given by him to appeare whensoever hee shall be required thereunto. Or at least soe farr to favour him, as to cause him to be removed from hense to the custody of the Serjeant at Armes at Lambeth House, where hee hopes to enjoy some better opportunities for the recovery of his most impayreed health.

"And as in Duty bound hee shall ever pray." "W. HOWARD."

"RICHARD P.

"Vpon readinge of this peti<sup>on</sup> Wee thinke fitt that the Case of the Peti<sup>on</sup> be taken into Considera<sup>on</sup> & to the End that speedy reliefe may be given to the Petition<sup>r</sup> Wee doe referre him to o<sup>r</sup> Councill."

*Indorsed.* "W<sup>m</sup> Howard. Read 25 Nov. 1658. Ord. 30 Nov. 1658." Original.—*Add. MS. 5716, fo. 15. B. M. Lib.*

The appeal obtained some amelioration of his restraint; and in December, 1658, "Mr. Fisher" addressed the Lord Chancellor Hyde:

" . . . I am now in a cond<sup>n</sup> to attend the ex<sup>n</sup> of any com'ands y<sup>t</sup> you shall lay upon me, being restored to some little liberty, though under such limitations y<sup>t</sup> I may still be called a prisoner; for after 24 weeks close impt in St. James's, all the favour I could procure (upon application to young Cromwell) was this, y<sup>t</sup> I should be removed from St. James's to Lambeth House; it being objected ag<sup>t</sup> me by Thurloe y<sup>t</sup> I had several ways & times contrived y<sup>e</sup> death of y<sup>e</sup> old tyrant, and had for 2 or 3 years past held correspondence with his Majesty & had divers times been with him. Notwithstanding this venom of Thurloe, such was y<sup>e</sup> moderation of young Cromwell, y<sup>t</sup> (upon ano<sup>r</sup> address made to him, and a complaint made of my being so kept, strengthened with y<sup>e</sup> attestation of my physician) he has given private instructions to the Serjeant at Arms to suffer me to have my liberty for a month, I giving security to return every Saturday, so that at present I walk the streets, and my term does not expire till the 22nd of this month, by which time I hope to gain a longer lease. When I can be assured by hearing from you that my letters come to your hands, I shall write more fully; in the mean time I have nothing more to say but that I am, your's, &c.—*Clarend. State Pap. v. iii. p. 421.*

On the 22nd January, 1658, the lord Chancellor Hyde wrote to "Mr. Fisher:"—" . . . We have not yet found that advantage in Cromwell's death that we reasonably hoped, nay rather we are the worse for it, and the less esteemed, people imagining by the great calm that hath followed, that the nation is united, and that in truth the king hath very few friends. This makes us the more impatient to hear from you, what you think, and what you observe, and what you advise, and the king very often asks me whether I do not hear from you, with some wonder; and I do confess I do very much desire that you should have your hand in doing him some eminent service, but the way of doing it you can best judge of. I wish you were of the parl<sup>t</sup> y<sup>s</sup>elf: however you will early advertise us of what passes there, and I hope this young man will not inherit his father's fortune, but that some confusion will fall out which must make open a door for us. I pray let me hear from you, and believe me to be very heartily and unalterably, Sir, your's &c.—*Clar. State Pap., v. iii., p. 422.*

An estimate of the services and talent of his correspondent "Fisher," as a secret agent, is given in the following letter.

On the 23rd January, 1658, the lord Chancellor Hyde, wrote to lord Mordaunt: "The day you went from hence, Will. Howard came hither, and is again returned: I do not in any degree suspect his integrity; on the contrary, I believe him full of affection to serve the king, and that in some conjuncture he may be useful among the Anabaptists and Sectaries; but I am amazed to find, considering that I do not know one of the king's party with whom he converses, how much he is acquainted with all manner of our transactions. He told me . . ."—*Clar. St. P., v. iii., p. 658.*

After the restoration, Mr. William Howard represented Winchelsea in parliament; and on the decease of his elder brother, Thomas lord Howard, of Eserick, in 1678, he ascended to the Peerage rank. His subsequent career of extravagance and "infamy" need not be repeated. Evelyn mentions him as "that monster of a man;" and Mr. Henry Howard of Corby, indignant at his conduct, is resentful in the curttness of his family recognition. The date of birth, he records: "*Not looked for.*" In respect of his marriage, the same dignified indifference is observed. "He died," writes the family historian "in 1694." The place of his interment "*Not an object of enquiry!*"—*Fam. Mem.* 1836.

Page 402, l. 16. read "It was the cast of a marriage licence" &c.

— 530, l. 9. for lord Walden, read earl of Suffolk.

— 545. l. 27. *Petition to the king.*

A very hurried scrawl, in the hand of the earl of Northampton, that betrays the perturbation of the writer, is extant, as follows:—

"Good Mr. Lieutenant, the k<sup>s</sup> pleasur is that Mr. Docter Cragge, this bearer, shall presently be admitted to S<sup>r</sup> Tho. Ouerbury, that duringe the time of his infirmity he may take care of him, and as often as in his iudgement to this ende he shall find reason.

"Olde Mr. Ouerburis petition conteyned another requeste, which (*sic*) for the accesse of a seruant which his M<sup>y</sup> thinks good to suspend for the present. Thus with my best wishes I ende this thursday at XII.

"Y<sup>r</sup> very louinge and

"faythfully assured frend,

"HNORTHAMPTON."

The following indorsement, is in the handwriting of the lieutenant, Sir Gervase Elwes: "The Lo. How. for Dr. Cragg to S<sup>r</sup> Tho. Overbery to see him so often as for his health he shall think fittinge." Original.—*Cott. MS. Titus B. VII. fo. 486.*

— 546 l. ult.—keping him *aliue*.

In *Winwood's Memorials* the sentence is printed "keeping him *above*;" an adverb very indefinitely substituted. Inanimate things are yet said to *live*; to wit, a ship on the sea: and the word employed in the original is to be understood in reference to the context,—keeping the body, not alone unburied, but exposed to view for the purpose of "setting out solennitys." The adjective is also explicative of *fresh*, as fish out of the sea, unimpaired by time, sweet, unperished.

An unusual employment of the word *live*, is also found in a MS. a few years later in time.

At an entertainment given by the lord William Howard of Naworth, at Corby Castle, in 1634, "amongst other dishes, one there was, serued in at the second course w<sup>ch</sup> was not vsuall, a *Liue Roe*."—*Lansd. MS.* 213, fo. 328. Mr. Henry Howard supposed it to have been roasted whole. (*Fam. Mem.*, 1836.) Perhaps it was served heraldically, *trippant*, in the style of the ancient hospitality, to form "a standing dish."

Page 550. n. † The following is a copy of Ben Jonson's MS. verses :

*" To the most noble and about his Titles*

*Carr*

*Robert A Earle of Somerset.*

" They are not those, are present wth theyr face,  
And clothes, & guifts, that only do thee grace  
At these thy Nuptials; but, whose heart, and thought  
Do wayte upon thee: and theyr Loue not bought.  
Such weare true wedding robes, and are true freindes,  
That bid, God giue thee ioy and haue no endes  
Wh I do, early, vertuous Somerset,  
And pray, thy ioyes as lasting bee, as great.  
Not only this, but euery day of thine,  
Wth the same looke, or wth a better, shine.  
May she, whome thou for spouse to day, dost take  
Out-bee yt Wife, in worth, thy freind did make:  
And thou to her, that Husband, may exalt  
Hymens amends, to make it worth his fault.  
So, be there neuer discontent, or sorrow,  
To rise wth eyther of you, on the morrow.  
So, be yor Concord, still, as deepe, as mute;  
And euery ioy, in mariage, turne a fruite;  
So, may those Marriage-Pledges, comforts prone:  
And en'ry birth encrease the heate of Loue.  
So, in theyr number, may you neuer see  
Mortality, till you immortall bee.  
And when your yeares rise more, then would be told  
Yet neyther of you seeme to th'other old.  
That all, yt view you then, and late; may say  
Sure, this glad payre were married, but this day.

BEN JONSON."

The volume in which the verses were found inserted is represented to have been purchased at the sale of the honorable Archibald Fraser of Lovat, for the British Museum, at the price of £14; and the following Note in a Literary Journal, announced the importance of the acquisition, with alleged facts to enhance its intrinsecal value:

"The volume which had on its exterior covers the arms of Carr, earl of Somerset, contains on one of them the following inscription:—

"These verses were made by the author of this booke, and were delivered to the Earl of Somerset upon his Lordship's wedding day.' Then followed the verses in the poet's own handwriting.

"We need scarcely point out the allusions in the eleventh and twelfth lines to Sir T. Overbury's *Character of a good Wife*; but we cannot help calling attention to the *curious fact*," adds the writer, "that these lines, written in 1613, *must have been carefully preserved by the unhappy man* to whom they were addressed, through all his trials and difficulties; and then, on the publication of the 1640 edition of Rare Ben's *Works*,—twenty seven years after his *disgraceful marriage*, five years before his death,—been pasted *by him* in the cover of the volume which is now very properly deposited in the National Library."—*Notes and Queries*, v. v., p. 193.

The circumstances were curious indeed, had they been probable; but they are encompassed with difficulties; and as the statement, put forth with the authority of the editorial "*We*," is calculated to inspire confidence that may be misplaced, it will not be amiss to review the facts, and consider the evidence on which they are based.

There are rare Ben's autograph lines, neatly penned on a piece of paper of the octavo form,  $9\frac{1}{4}$  by 6 inches; with an interlineation, and in appearance suggesting the very common circumstance of a copy of verses given by the author at the request of a friend, rather than the original presentation copy to the earl of Somerset on the day of the ceremonial they were proposed to honor. The fact of the presentation rests on the statement superscribed by some unknown hand, many years after the event, in whose possession the MS. verses and the printed volume are supposed to have become united. That the person was the earl of Somerset is the reverse of conclusive.

If the "unhappy man" himself had been the person; if, after carefully preserving for twenty seven years, a satire on his misery—a memento of his crime,—he had himself, as represented, pasted the verses in the cover of the volume, the following is the process he must necessarily have adopted.

To establish the "curious" premises, the reader has been invited to believe, that in 1640, on the publication of Ben Jonson's posthumous volume, the earl of Somerset, having provided himself with a copy, and finding that the verses celebrating his "disgraceful marriage" by the deceased author, had not been included;—from the small note size,—in which it is apparent that it had been preserved,—he unfolded his presentation copy, and having pasted it down on a larger sheet of paper, on the upper margin thus acquired, he wrote, for the information of future ages, the following memorandum:

"These Verses were made by the author of this booke, and were deliuered to the Earle of Somersett upon his lo<sup>pps</sup> wedding day: they are written by his (the author's) owne hand." And to place on indisputable record his family name, he also interlined the word "*Carr*" on Ben Jonson's original MS. So done, the "unhappy man" is supposed to have pasted the combined copy of verses and memorandum of facts on the inner side of the fly leaf of the printed volume; where, after two centuries and some odd years, it occurred to the critical judgment of the Editor of *Notes and Queries* to discover and disclose the "curious fact."

If the volume itself be examined, the covers are found stamped in gold on the exterior, with a shield, bearing—on a chevron, three mullets; supporters, (two bucks, collared); an earl's coronet; and the motto: *Sors mea dextra Dei*. The shield is the coat of Ker, of Scotland; and is deficient the augmentation borne by the English peer, Robert Carr, viscount Rochester, earl of Somerset, namely, in the dexter chief, a lion passant guardant, or. (*Anstis, Order of the Garter*, p. 716).

If the circumstances of the unhappy man be reviewed, the careful

preservation by him of the MS. verses will appear one of those marvellous facts, that must assume the poet's unbought praise to have been in the estimation of the earl of Somerset, of value beyond all other earthly things. In the "trials and difficulties" that so suddenly enveloped him, his cabinet had been ransacked; and if any papers of interest or value had escaped destruction by himself or others, they would most probably have been found in possession of his friend Sir Robert Cotton. For a long period the residence of the earl of Somerset was within the Tower walls; his estate and personal effects had been seized into the king's hands; the latter for the most part dispersed; and several years before the publication of the volume of Ben Jonson's works, his position was one of comparative poverty, if not of absolute dependence. The love-match of the lord Russell with the lady Anne Carr had been vehemently opposed by the earl of Bedford; and an impossible sum named as a portion by way of insuperable barrier to a connection of all others he desired to avoid. But the affection of the unhappy man for his amiable and innocent child determined him to sacrifice everything to secure, if possible, her happiness. By the intervention of friends, including the influence of the king, the alliance was rendered so far possible, that the earl of Bedford withdrew his absolute dissent; but to accomplish the *sine qua non*, all the resources of the earl of Somerset were made available to their fullest extent. The repayment of monies lent in days of prosperity, was urgently demanded; and on the 23rd March, 1636, Mr. Garrard wrote to the lord Strafford: "He hath sold all he can make money of, even his house which he lives in at Chiswick, with all his plate, jewels, and household stuff, to raise the portion of £12,000, which my lord of Bedford is now content to accept."—*Lord Strafford's Lett.*, v. ii., p. 58.

Without character or fortune, the position and resources of Robert, earl of Somerset for the remainder of his days, were not such as to indicate the luxury of a library or books stamped with his arms: a few years of humiliated privacy, and an undistinguished grave in the newly erected chapel of the earl of Bedford, in Covent garden, closed the career of king James's favorite and favored page.

In the presence of facts known to himself, the marriage verses addressed to the earl of Somerset, could only have been a monitor of his crime; and the careful preserver of the poet's lines must be sought elsewhere. In 1618, Ben Jonson made a pedestrian tour, and sojourned several months in Scotland, on the hospitality and favor of the sympathising great. His conversations and correspondence with William Drummond of Hawthornden refer to the interchange of literary productions. Circumstances are related to introduce the affairs of the earl and countess of Somerset to their free discourse; and shew that Ben Jonson's talents had been yet further employed in celebration of the unhappy connection or disgraceful marriage.\* If the neatly written copy of the inappropriate epithalamium

\* "Of his works," writes Drummond, relating his Conversations with Jonson, "He hath a pastorall intituled *The May Lord*. His own name is *Alkin*; *Ethra*, the Countesse

was not then given to Drummond, it was probably a return of compliment to some other friend whose hospitality he enjoyed,—not unlikely to Sir Robert Ker of Ancram, created in 1633, lord Ker of Nisbet and earl of Ancram,—who appears to have been owner of the volume of Ben Jonson's Works. Robert earl of Ancram, descended from Sir Robert Ker of Fernihurst (ancestor also of Sir Robert Ker or Carr, earl of Somerset) was a fast friend of king Charles in the time of his troubles; and was further distinguished for his correct taste in the fine arts and the poetical character of his mind. Some verses from his pen, addressed to Drummond, will be found in *Walpole's Royal and Noble Authors*, v. v., p. 97, ed. Park, 1806. After the death of the king, in 1648, the earl of Ancram retired to Holland, and died at Amsterdam, in 1654, at the age of 79 years.

Page 567. l. 14. for Albini, read Fitzalan.

— 568, n. † The lord William Howard appears to have been student of the University of Cambridge, but probably did not graduate. The circumstance of his having “newly come from Cambridge, not sixteen years of age,” is mentioned in some proceedings with the Dacres.—*Arch. Æliana*, v. ii., p. 156.

— 582, n. Major General Howard appears to have been in receipt of £465 per annum, in the service of the Commonwealth; namely, as Colonel of Foot, £365; and as Captain of a County troop £100.—*Parl. Hist.*, v. xxi., p. 5.

— 586, n. † Croglin Hall had probably passed from the Howard family in the time of the Commonwealth. In 1665, George Towry, esq., of Croglin Hall, J. P. is mentioned in Dugdale's visitation.—*Nich. & Burn, Hist. Cumb.*, v. ii., p. 426.

— 586, n. † William Howard, of Thorpe Bullmer, esq., was buried at Hart, March 22, 1670.—*Surtees, Hist. Durham*, v. iii., p. 97.

— 601, n. † *Coheirs of Sir Francis Blake*. See Table, p. 664.

— 103, n. l. 10, for Thomas, read Henry earl of Surrey.

of Bedford's; *Mogibell*, Overbury; the old Countesse of Suffolk, *ane inchanteress*; other names are given to Somerset's lady; Pembroke; the Countesse of Rutland; lady Wroth.”—*Notes of Ben Jonson's Conversations with William Drummond of Hawthornden*. *Shaksp. Soc.* 1842. The “*May Lord*” is supposed to have perished in the fire that consumed Ben Jonson's papers.

(Page 601. n. †) TABLE OF THE COHEIRS OF SIR FRANCIS BLAKE.

Sir Francis Blake of Coggs = Elizabeth, daughter and co. Oxford, and of Ford | coheirress of William Castle, co. Northumb., knt. Carr, of Ford Castle, co. Northumb., esq.  
Will dated Aug. 17, 1717.  
ob. 1718.

Eleanor Blake = Charles Howard of Overacres, co. Northumb., esq.	Mary Blake = 1. Robert Ord, of West Ord, esq.* = 2. Edward Delaval of Dissington, co. Northumb., esq.	Sarah Blake = 1. Geo. Selby, of Twizel Castle, gent.† = 2. Robert Blake, of Galway, Barrister at Law, 1695, ob. 1734.	Anne Blake = John Trevanton of Carnhays, co. Cornwall, esq.	Catherine Blake = 1. Sir Richard Kennedy, Bart.‡ = 2. Lord Frederick Henry Howard, youngest son of Henry duke of Norfolk.§	Susan Blake = Sir Charles Dalston, Bart.	Elizabeth Blake = 1. . . . . Mitford, co. Northumb., esq.‡ = 2. Edward Digby Gerard Hungerford, of Black-Bourton, co. Oxford, esq.¶
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William Howard, esq., grandson, ob. 1777.

Walter Howard, the heir of Poverty.

\* Raine, North Durham, p. 316. Mary Delaval died, Dec. 17, 1711.—Tomb of the Delavals, in Newbourn Church.

† Mr. Raine (*North Durham*, pp. 315, 316), says, George Selby of Twizel, was the first husband of Eleanor Blake, who afterwards married Charles Howard of Overacres.—*Sed quere*. Robert Blake of Galway had Twizel Castle *jure uxoris*. The alliances of Orde, Selby and Blake, tabulated by Mr. Raine, (*North Durham*, pp. 253, 315), are complicated and curious.

‡ Of Mount Kennedy, in Ireland, killed in a duel with Mr. Dormer, 1710.—*Luttrell, Diary*. For the issue, see Table, ante, p. 332.

¶ Mr. Banks suggested the descent of Mr. Walter Howard from Catherine Blake and the lord Frederick Henry Howard.—*Mysterious Heir*, 1816.

§ Luttrell, February 1702-3, mentions a duel fought between Sir Francis Blake and his son-in-law, Mr. Mitford, in which the former was wounded.—*Diary*. A son of this marriage, Nathaniel Mitford, an "Apprentice to the Law," was a legatee of his grandfather Sir Francis Blake.

|| Son of Sir Edward Hungerford (the spendthrift), a poor knight of Windsor, and his third wife, Jane, daughter of George Digby of Sandon, co. Stafford, esq., relict of Charles lord Gerard of Bromley—*Gough, Sep. Monum.*, v. ii., pt. iii., App. p. 4.

*Page 609. l. 14. Hall of Monkridge.*

Mr. Gabriel Hall, of Monkridge, familiarly known as *Tofty*, or *Toft House*, from a small estate he inherited, is said to have built the mansion house of Monkridge. In addition to his own land, he farmed extensively; kept a pack of hounds, and lived in comparative splendour, until a calamitous depression of markets, about the time of the conclusion of the American war, brought him and other great stock-holders to ruin. His family consisted of several daughters, and an only son, to whom he had given an academical and legal education, for the profession of the bar. On his father's misfortunes, writes Mr. Hodgson, the young man determined to go to India in the hope of retrieving them; but a miserable fate awaited him. The shipwreck, sufferings and death of Mr. Thomas Hall, in one of the fortress dungeons of Hyder Ali, are related in *Campbell's Overland Journey to India*.—*Hist. Northumb.*, v. i., pt. ii., p. 111.



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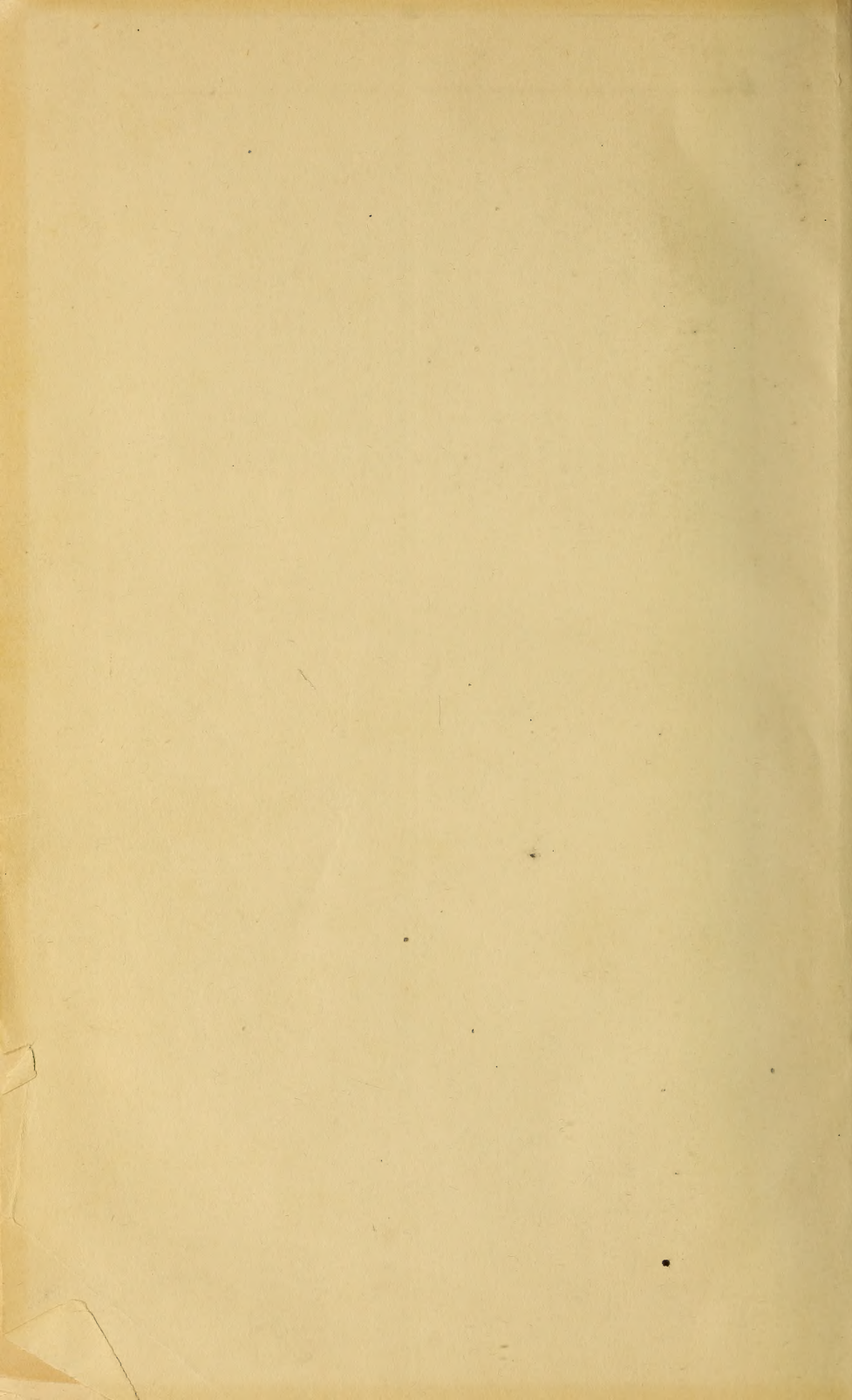
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